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Book T 22









PROCEEDINGS  
OF THE  
TAX-PAYERS' CONVENTION

OF  
SOUTH CAROLINA,

HELD AT COLUMBIA, BEGINNING MAY 9TH, AND  
ENDING MAY 12TH, 1871.

PUBLISHED BY ORDER OF THE CONVENTION.

CHARLESTON, S. C. :  
EDWARD PERRY, PRINTER, BOOKSELLER AND STATIONER,  
No. 149 Meeting Street, opposite Charleston Hotel.

1871.





*Resolved*, That a committee of three be appointed by the chair, who shall have charge of the publication of the proceedings and the defrayal of the expenses of this Convention ; and that the Secretaries of the Convention be authorized to pay over the funds in their hands, to the said committee.

COMMITTEE.

R. D. SENN,

THOMAS Y. SIMONS,

MYRON FOX.

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GIL DIXON FOX, STENOGRAPHER.

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## OFFICERS OF THE CONVENTION.

PRESIDENT,

HON. W. D. PORTER, Charleston.

VICE-PRESIDENTS,

GEN. M. C. BUTLER, Edgefield,

HON. C. W. DUDLEY, Marlboro',

HON. D. H. CHAMBERLAIN, Richland,

HON. GABRIEL CANNON, Spartanburg.

SECRETARIES,

W. M. CONNERS, Lancaster,

MYRON FOX, Charleston.

## COMMITTEES.

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### EXECUTIVE COMMITTEE.

1. James Chesnut, State at Large.
2. Johnson Hagood, State at Large.
3. Thomas Y. Simons, State at Large.
4. C. W. Dudley, First District.
5. E. B. C. Cash, First District.
6. F. F. Warley, First District.
7. A. P. Aldrich, Second District.
8. Henry Gourdin, Second District.
9. H. C. Smart, Second District.
10. William Wallace, Third District.
11. R. L. McCaughrin, Third District.
12. T. J. Goodwyn, Third District.
13. J. L. Westmoreland, Fourth District.
14. A. H. Davega, Fourth District.
15. A. B. Woodruff, Fourth District.

*(Added by Resolution.)*

- |                      |                   |
|----------------------|-------------------|
| 16. John L. Manning. | 17. M. L. Bonham. |
| 18. A. A. Burt.      |                   |

### COMMITTEE OF ELEVEN TO CONFER WITH GOVERNOR.

*(Resolution of General Butler.)*

- |                       |                     |
|-----------------------|---------------------|
| 1. M. C. Butler,      | 4. B. W. Ball,      |
| 2. Cadwallader Jones, | 5. W. H. Wallace,   |
| 3. Gabriel Cannon,    | 6. Richard Lathers, |

- |                      |                  |
|----------------------|------------------|
| 7. A. M. Lowry,      | 9. E. J. Scott,  |
| 8. G. A. Trenholm,   | 10. W. B. Smith, |
| 11. T. C. Weatherly. |                  |

COMMITTEE OF SEVEN ON ELECTION AND SUFFRAGE LAWS.

(*Resolution of General Gary.*)

- |                     |                  |
|---------------------|------------------|
| 1. M. W. Gary,      | 4. B. H. Wilson, |
| 2. C. W. Dudley,    | 5. J. P. Thomas, |
| 3. William Wallace, | 6. E. S. Keitt,  |
| 7. J. H. Screven.   |                  |

COMMITTEE TO MEMORIALIZE GENERAL ASSEMBLY ON CUMULATIVE VOTING.

(*Resolution of Mr. Hoyt.*)

- |                    |                 |
|--------------------|-----------------|
| James A. Hoyt,     | Edwin J. Scott, |
| D. H. Chamberlain, | W. H. Wallace,  |
| M. W. Gary,        | B. H. Wilson,   |
| Henry Gourdin.     |                 |

COMMITTEE TO PREPARE REPORT ON CONDITION OF THE STATE SINCE THE WAR.

- |                 |                |
|-----------------|----------------|
| A. P. Aldrich,  | J. L. Manning, |
| Armistead Burt, | M. C. Butler,  |
| W. D. Porter.   |                |

COMMITTEE TO CONSULT WITH GOVERNOR ON POSTPONEMENT OF NOVEMBER TAX.

(*Colonel Simons' Resolution.*)

- |                   |                     |
|-------------------|---------------------|
| Thomas Y. Simons, | William M. Shannon, |
| M. L. Bonham,     | James H. Giles,     |
| J. P. Richardson. |                     |

## COMMITTEE ON EXPENSES AND PUBLICATION OF PROCEEDINGS.

R. D. Senn, Thomas Y. Simons,  
Myron Fox.

## COMMITTEE TO CONFER WITH LEGISLATIVE INVESTIGATING COMMITTEE.

Edwin J. Scott, Richard Lathers,  
William W. Wallace.

## COMMITTEE TO REPORT PLAN TO RESTORE CREDIT OF THE STATE.

Thomas Y. Simons, James Chesnut,  
F. F. Warley, Gabriel Cannon,  
M. C. Butler.

## COUNSELORS TO REPORT ON MATTER OF MORTGAGE OF BLUE RIDGE RAILROAD, ETC.

Mr. Porter, Mr. Conner,  
James Chesnut.

## COUNSELORS TO REPORT ON MATTER OF POSTPONEMENT OF STATE LIEN ON CHARLESTON AND SAVANNAH RAILROAD.

Mr. Pressley, Mr. Lord,  
Mr. Inglesby.

# DELEGATES IN ATTENDANCE ON THE CONVENTION.

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*Abbeville.*—Hon. Armistead Burt, B. Z. Herndon.

*Anderson.*—J. B. Sitton, James A. Hoyt.

*Barnwell.*—Gen. Johnson Hagood, T. J. Counts.

*Beaufort.*—Col. H. C. Smart, Maj. J. H. Screven.

*Charleston.*—Chamber of Commerce.—Hon. W. D. Porter, Hon. Geo. A. Trenholm. Board of Trade.—Col. Richard Lathers, Hon. Henry Gourdin. Citizens' Delegates.—W. B. Smith, Hon. Thos. Y. Simons, George Shrewsbury, Myron Fox.

*Chester.*—J. S. Wilson, A. H. Davega.

*Chesterfield.*—Gen. E. B. C. Cash, A. M. Lowry.

*Clarendon.*—Hon. John L. Manning, Hon. J. P. Richardson, Jas. E. Tindall.

*Colleton.*—J. J. Fox, J. K. Terry.

*Darlington.*—Col. F. F. Warley, Edward McIntosh.

*Edgefield.*—Gen. M. C. Butler, James H. Giles, Gen. M. W. Gary, O. Sheppard, A. P. Butler, Hon. M. L. Bouham.

*Fairfield.*—T. W. Woodward, Gen. John Bratton.

*Georgetown.*—Hon. Benj. H. Wilson.

*Greenville.*—Hon. J. L. Westmoreland.

*Kershaw.*—Hon. James Chesnut, Col. W. M. Shannon.

*Lancaster.*—W. M. Conners, J. B. Erwin.

*Laurens.*—Col. B. W. Ball, G. W. Sullivan.

*Lexington.*—J. N. Huffman, F. S. Lewie.

*Marion.*—Wm. Evans.

*Marlboro.*—Hon. C. W. Dudley, Hon. T. C. Weatherly.

*Newberry.*—Col. Ellison S. Keith, R. L. McCaughrin.

*Oconee.*—J. A. Doyle, W. C. Keith.

*Orangeburg*.—Hon. T. J. Goodwyn, D. J. Rumph, Col. A. D. Frederick.

*Pickens*.—W. E. Holcombe, D. F. Bradley.

*Richland*.—Columbia Board of Trade.—Edwin J. Scott, R. D. Senn. Citizens' Delegates.—Robert Adams, Col. Wm. Wallace, J. H. Kinsler, C. H. Baldwin, E. W. Wheeler, W. K. Greenfield, Hon. D. H. Chamberlain.

*Spartanburg*.—Hon. Gabriel Cannon, A. B. Woodruff, Col. John H. Evins.

*Sumter*.—John B. Moore, F. H. Kennedy.

*Union*.—Gen. W. H. Wallace.

*Williamsburg*.—David Epps.

*York*.—John R. London, Cadwallader Jones.

*Delegates admitted to privileges of the floor, under Resolutions of the Convention.*

Col. J. <sup>P</sup>B. Thomas, of Richland; Hon. A. P. Aldrich, of Barnwell; Hon. W. D. Simpson, of Laurens; Col. C. H. Suber, of Newberry; A. D. Goodwyn, of Orangeburg; W. H. Trescott, of Greenville; His Excellency Governor R. K. Scott; Hon. D. H. January, of St. Louis; Hon. H. V. M. Miller, of Georgia.





# PROCEEDINGS.



## FIRST DAY'S PROCEEDINGS.

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TUESDAY, MAY 9, 1871.

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THE Tax-Payers' Convention of the State of South Carolina, held at Columbia, 9th, 10th, 11th and 12th days of May, A. D. 1871.

In pursuance of a call made by the Charleston Chamber of Commerce and the Charleston Board of Trade, the delegates to the Convention assembled this day at 11 o'clock A. M., the meeting being held in the Senate Chamber of the State House.

On motion of General M. C. Butler, from Edgefield, Hon. T. J. Goodwyn, of Orangeburg, was called to the chair, and called the Convention to order.

Mr. Robert Adams, of Richland, was appointed temporary Secretary.

On motion of Colonel T. Y. Simons, of Charleston, the Convention took a recess for thirty minutes.

Upon re-assembling, Mr. B. W. Ball, of Laurens, moved that a committee of nine be appointed to wait on delegates and examine credentials.

The motion was subsequently withdrawn.

The temporary Chairman requested delegates to come forward and enroll their names at the Secretary's desk, when the following delegates appeared :

*Anderson*.—J. B. Sitton.

*Barnwell*.—Johnson Hagood, T. J. Counts.

*Beaufort*.—H. C. Smart, J. H. Screven.

*Charleston.*—W. D. Porter, G. A. Trenholm, George Shrewsbury, Thomas Y. Simons, Richard Lathers, Henry Gourdin, Myron Fox.

*Chester.*—J. S. Wilson, A. H. Davega.

*Chesterfield.*—E. B. C. Cash.

*Darlington.*—F. F. Warley, Edward McIntosh.

*Edgefield.*—M. C. Butler, James H. Giles, M. W. Gary, O. Shepard, A. P. Butler.

*Georgetown.*—Benjamin H. Wilson.

*Greenville.*—J. L. Westmoreland.

*Kershaw.*—James Chesnut.

*Lancaster.*—W. M. Conners, J. B. Erwin.

*Laurens.*—B. W. Ball, G. W. Sullivan.

*Lexington.*—J. N. Huffman.

*Marion.*—William Evans.

*Marlboro.*—C. W. Dudley, T. C. Weatherly.

*Newberry.*—Ellison S. Keitt, R. L. McCaughrin.

*Orangeburg.*—T. J. Goodwyn, D. J. Rumph.

*Richland.*—Columbia Board of Trade.—Edwin J. Scott, R. D. Senn. Citizens' Delegates.—Robert Adams, William Wallace, J. H. Kinsler, C. H. Baldwin, E. W. Wheeler, W. K. Greenfield, D. H. Chamberlain.

*Spartanburg.*—G. Cannon, A. B. Woodruff.

*Union.*—W. H. Wallace.

*York.*—John R. London, Cad. Jones.

Hon. James Chesnut, from Kershaw, offered the following rules of order, which were adopted :

#### RULES OF ORDER.

1. The officers of this Convention shall be a President, four Vice-Presidents and two Secretaries, to be chosen by ballot, the persons receiving the highest number of votes to be declared elected.

2. The President shall appoint a committee of three from the State at large, and three from each Congressional District, to be called the Executive Committee, to whom shall be referred, without debate, all memorials, motions, resolutions and other proposi-

tions bearing on the general business of the Convention, said committee to appoint its own Chairman.

3. The President shall appoint a Door-keeper and Messengers.

4. The vote on all questions shall be taken by Congressional Districts, each County in District being entitled to two votes, except on a call for the ayes and noes, which may be ordered by any seven members.

5. The debates and business of the Convention shall be regulated and governed by the rules of order governing the United States House of Representatives.

6. No member shall occupy the floor longer than one hour, except by consent of the Convention; nor shall any member speak more than twice to the same question, the second speech not to exceed thirty minutes.

7. Each member introducing a resolution, or other proposition, shall endorse on it his name and county.

Mr. B. W. Ball, of Laurens, moved that a committee of nine be appointed to report permanent officers.

Mr. B. H. Wilson, of Georgetown, moved as a substitute, that the Convention proceed at once to ballot for permanent officers. After debate by Gen. M. C. Butler, Col. T. Y. Simons, Col. Wm. Wallace, and Messrs. Ball and Wilson, the substitute was adopted by a vote, on division, of 24 to 21.

In accordance with the rules of order previously adopted, the Convention proceeded to the election of a President, four Vice-Presidents, and two Secretaries.

Mr. Chesnut nominated Mr. W. D. Porter, of Charleston, for permanent President.

Mr. Butler, nominated General M. W. Gary, of Edgefield, for permanent President.

Mr. Gary declined the nomination and said:

I am here not as an aspirant for any office within the gift of this Convention, but as a representative of the people of Edgefield. Since the results of the war have been so disastrous to us, I must confess that whatever ambition I might have had previous to that time, I have none now. I am, therefore, unwilling that by the use of my name the harmony of this Convention should be disturbed.

I do think, at a time like the present, when we are oppressed we should present a united front; we should have no differences between us. Actuated by these feelings, I must decline the nomination.

The following gentlemen having been regularly nominated, were on motion declared unanimously elected as officers of the permanent organization :

*President*—W. D. Porter, of Charleston.

*First Vice-President*—M. C. Butler, of Edgefield.

*Second Vice-President*—C. W. Dudley, of Marlboro.

*Third Vice-President*—D. H. Chamberlain, of Richland.

*Fourth Vice-President*—Gabriel Cannon, of Spartanburg.

*Secretaries*—Myron Fox, of Charleston, and W. M. Conners, of Lancaster.

Mr. Chesnut moved that a committee of three be appointed to conduct the President elect to the chair. The motion was carried, and the temporary chairman appointed as such committee Messrs. Jas. Chesnut, B. H. Wilson and Thos. Y. Simons.

The President upon taking the chair said :

*Gentlemen of the Convention :*

I thank you for this compliment. It is prized the more highly, because I see around me so many of the old familiar faces, so many of the good men and true, to whom South Carolina, in her better days was accustomed to confide her honor and interests, and who are as faithful to her now as they were in those other days. My only regret is that the occasion of our meeting is not a more happy one. To protest against wrong, to rebuke corruption in high places, and to be obliged to take measures for the purpose of saving ourselves from impending and irretrievable ruin, may be a necessary duty, but it is not a pleasant one. As this duty has been placed upon us, let us discharge it fairly, manfully, and with fidelity to the great interests committed to our charge.

The fundamental law of the State and of the United States secures to the people the right to assemble peaceably, and to seek by all lawful means, the redress of their grievances. It is admitted by fair-minded men of all parties that there are great public grievances; and it is the hope, and the determination, if possible, to redress these grievances, that has called into being this Convention—a Convention unprecedented in the history of our State; a Convention which seeks for the holders of property and the payers of

taxes, a voice and a representation in the councils of the State. We have no legislative power, we are only an advisory body; but we can inquire and investigate, we can collect and embody information, and can advise the people as to the measures which we deem necessary and proper for their security in the future. Let us deliberate and act in all fairness and justice. If we nothing extenuate, let us set down naught in malice. While we are true to ourselves, let us be just to all men, and so demean ourselves in this great exigency of our affairs, as to secure for our cause the sympathy and support of good men in every part of the country.

The first great wrong is the fearful and unnecessary increase of the public debt. An extraordinary increase is admitted on all hands. The people who have to pay these obligations; those, I mean, who own the property and pay the taxes, are entitled to know the amount and character of the public indebtedness; not merely the actual debt, but all contingent liabilities. A painful uncertainty rests over this matter. Let it be probed to the bottom. If the debt has been overstated, it will be a great relief to the people to know it. When a clear light is let in upon this matter, we shall know where we are, and be the better able to face the situation and its responsibilities.

Next, the applications of the public monies have been wild, reckless and profligate. This is without question; and perhaps never in the history of any people has this profligacy presented a bolder or more shameless front. Corruption here does not hide itself in secret places and dark corners; it stalks abroad, it flaunts itself in the light of day, it assumes the part and bearing of virtue, and openly boasts of its achievements. The end of these things, if not rebuked and checked, will be not only utter demoralization, but certain bankruptcy and ruin.

The direct logical result of increased debt and reckless expenditures, is excessive taxation. This we have with a vengeance. Not only is the annual tax increased manifold, but by act of the late session of the Legislature, two tax levies are required to be paid within the limits of one year. This is an intolerable burden, and is calculated, even if it be not intended, to bring about a wide spread confiscation of property. And the worst feature of the matter is the curious and anomalous fact, without parallel in the history of any representative government, that they who lay the taxes do not pay them, and that they who are to pay them have no voice in the laying of them. This is the actual practical operation of the thing. Can greater wrong or greater tyranny in republican government be well conceived! Less evils than this have produced

revolution. Indeed, taxation without representation has been the turning point of many a revolution.

The credit of the State is and can be dearer to none than to us. It has been the habitual policy of our people to keep the public credit not only untarnished, but unsuspected. We mean not repudiation; but we do mean openly and in the most solemn manner to give notice to the world that the credit of South Carolina has been strained to the utmost limit, and that whatever obligations hereafter issued may be taken by capitalists, must be taken at their peril.

Let me admonish you to be prudent and wise; to avoid party politics, and to act with fairness and justice as well as firmness. To every fair-minded man who is willing to put the stamp of reprobation upon corruption, and to go in good faith for economy, retrenchment and an honest administration of public affairs, we extend a welcoming hand. All such are our friends, and should be cordially welcomed to our ranks.

The late war left this people almost impoverished. They had a sincere faith in their cause, and they gave to it of their means and resources with prodigal liberality. Their money and their investments perished in their hands. Upon the issue of the war their whole slave property was wrested from them at a single stroke. If they had land, they had no labor and no means to cultivate it.—Never was there on the face of the earth a people more entitled to sympathy and generous treatment than the people of the South, at the end of the war. What treatment they did receive from those into whose hands the powers of government fell, let this Convention and its proceedings proclaim. In the name of that people, much abused, deeply wronged, and nearly ruined, I call upon you to summon up such wise and prudent counsel, such patient, moderate and resolute bearing and action, as will secure for their cause the confidence and support of good and true men throughout the land.

The chair is ready to receive any propositions for the further organization or business of the Convention.

Mr. Johnson Hagood, of Barnwell, offered the following resolution, which was agreed to :

*Resolved*, That Mr. J. P. Thomas be invited to a seat on the floor, and to participate in the deliberations of the Convention.

Mr. James Chesnut, of Kershaw, offered the following resolution, which was agreed to :



*Resolved*, That the Hon. A. P. Aldrich be invited to a seat on the floor of the Convention, and to participate in the deliberations of the body.

Mr. M. W. Gary, of Edgefield, offered the following resolution, which was agreed to :

*Resolved*, That the privileges of the floor of this Convention be tendered to the Hon. D. A. January, of St. Louis, Missouri.

Mr. M. C. Butler, of Edgefield, introduced the following resolution, which was agreed to :

*Resolved*, That a committee of eleven be appointed by the Chair to confer with his Excellency Governor Scott, in pursuance of the fourth resolution of the Chamber of Commerce and Board of Trade of the City of Charleston, and report to this Convention in writing or otherwise.

Also the following, which was agreed to :

*Resolved*, That the Hon. Mr. Miller, United States Senator from the State of Georgia, be invited to a seat on the floor of this Convention.

Mr. G. Cannon, of Spartanburg, offered the following resolution, which was agreed to :

*Resolved*, That it be referred to the Committee of Eleven to inquire of the Governor how many and what amount of bonds he has signed under the various acts authorizing the same, and what disposition has been made of said bonds.

Mr. B. W. Ball, of Laurens, offered the following resolution, which was agreed to :

*Resolved*, That it be referred to the Committee of Eleven to confer with Governor Scott and investigate and report to this body to what extent State and County officers have been unnecessarily increased since the organization of the State Government in 1868,

and with the view to retrenchment and reform, and to what extent they might be dispensed with.

Mr. Richard Lathers, of Charleston, spoke as follows on the resolutions of General M. C. Butler and Messrs. G. Cannon and B. W. Ball :

Colonel Richard Lathers said that he felt that it would be proper for him as a representative of the Chamber of Commerce to state the views entertained by himself and other gentlemen at some length, to the end that the objects of the Convention might be clearly understood.

By the reconstruction policy, he continued, a system of Government was instituted in the State which is without example in the history of civilization for fraud, ignorance and oppression. The rights of property were ignored, intelligence disfranchised, laws and usages abolished, and the Legislature, and indeed every function of the Judiciary and Government, State, county and city, was exercised (with few exceptions) by freed slaves without education, and white adventurers without conscience or the least sympathy in the rights and interests of those they undertook to govern. The few exceptions in the way of honesty or capacity which brightens this dark picture of legislative depravity, more frequently justifies the conservative claims of the colored man to a patriotic regard for his native State, than the production of any well-grounded hope of a practical reform on the part of the overwhelming majority, whose aim seems to be to acquire wealth by the most unblushing corruption.

Indeed the members of the Senate and the House of Representatives, as well as the officials, do not hesitate openly to charge each other with fraud and corruption ; and there is a well settled tariff for legislative action of this kind most accurately graduated.

A considerable portion of the last session of the Legislature was consumed in mutual criminations of this kind, and one of the Senators actually proclaimed his independence of investigations of fraud and corruption on the ground that his own frauds would bear investigation quite as well as those of his accusers, and the challenge was not accepted. The Governor of the State, in his veto of a bill for legislative expenses the last session, says : " I regard the money already appropriated during this session and the sum included in this bill, amounting in the aggregate to four hundred thousand dollars, as simply enormous for one session. It is beyond the comprehension of any one how the General Assembly could le-

gitimately expend one-half that amount of money." And the matter turned out to be a fraud, as the Governor insinuates. Last winter a committee of both branches of the Legislature was appointed to investigate the frauds and blackmailing connected with the Blue Ridge Railroad legislation of the previous session. The Governor, the main witness, appeared before this committee, and accused the former Legislature of all sorts of villainy. Alluding to the bill granting aid to the road, the Governor says: "When the bill came up a member of the House came to one of the parties and said: '*The report can't go through until I get five hundred dollars.*'" And when an injunction was served on the fiscal officers of the State to prevent the endorsement of the bonds, the Governor alleges that the parties procuring the injunction proposed to withdraw the same if \$25,000 would be paid. After many clear and explicit charges of fraud and corruptions, the Governor, with an honest burst of indignation against this corrupt body, says: "I know of the fact, or have been told so by a hundred different persons, that money had been paid to get a certain report through at the last session. I want to say; do you suppose that if our Saviour would come here with a bill ever so good, and want to get it through, or it was thought best to get up a committee to investigate Him, do you suppose he wouldn't be crucified again if he didn't pay something to prevent it. \* \* \* \* I learned afterwards that they privately demanded of the President of the road \$500 a piece, as it was publicly stated by themselves that they did not get enough out of the road when the bill passed." I need hardly occupy your time with the hundreds of frauds and corruptions which are too well known to the public to need repetition, but I cannot refrain from calling your attention to the expenditures of the County Commissioners of Charleston for the current year ending October last, amounting to \$238,841. The Governor in his messages, transmitting the same to the Legislature, properly remarks: That "these amounts are of startling magnitude, and it is worthy of consideration whether they cannot be materially reduced." I believe an investigation connected with these frauds has been had or proposed.

## I T E M S.

Roads and bridges.....	\$108,225
Public buildings.....	28,679
Constables and Trial Justices.....	38,866
Sheriff, Clerk of County and Coroner.....	62,671
Total.....	<hr/> \$238,841

Perhaps before the war these items would have reached \$50,000 to \$75,000. Trial Justices, State Constables and herds of expensive and useless officials are rapidly corrupting the people and eating out their substance.

When we reflect that this is the expense of but one of the thirty odd counties of the State, spending over a quarter of a million under the power of a mere commission, we need not be surprised that the taxes of the State this year reaches over \$2,000,000, against less than \$400,000 before the war. As the taxes to be paid this year aggregates over \$4,000,000, as it includes two levies which is ten-fold the amount paid before the war in any one year, we may well be constrained to look to our rulers for some mitigation, and ask for a convention of tax-payers to consider the grave issues which the ignorance and fraud of the Legislature are precipitating upon us in a practical confiscation of our property by taxation, and the probable loss to our creditors by the certain bankruptcy of the State. The recently developed frauds of the Land Commission, by which the State has been made to pay seven hundred and fifty thousand dollars for property acknowledged to be worthless for the purposes intended, and impossible of sale at even \$150,000, making a clear loss to our over-burthened tax-payers of \$600,000 in a single year, which, before the war, would have paid the expenses of the State for one year and a half, is but the development of that class of legislation which the few honest and conservative men of the Radical party are unable to resist, unless the election laws can be so changed as to afford minority representation in the Legislature and all the offices throughout the State.

This, I believe, can be effected with the co-operation of the respectable and honest Republicans, who are desirous to aid the Conservative people of the State to obtain a fair show of influence in the making the laws and levying the taxes, which alike concern the interests of us all.

The resolutions of the Chamber of Commerce and the Board of Trade, to which you have so patriotically responded, are plain and simple. They recognize the practical value of the right of representation, and the protection of the rights of property against fraud and misrule. They allege gross frauds on the part of the Legislature and of many of the officials of the State. Apart from the universal criminal representation, the quotations already cited being the honest admissions and indignant charges of his Excellency the Governor against his own party, proves beyond question the truth of these allegations, and also his inability to save the community from the preponderance of corruption in the Legislature, because the honest and intelligent portion of his party are too feeble in

power to overcome the mass of ignorance and corruption which sways the destinies of the State. The action contemplated by these resolutions is to give public notice that the sterling bonds must not be negotiated or regarded as binding on the property and good faith of the people of the State, and if argument and proofs of the wisdom and honesty of this measure were wanting, I should propose only to adduce the two protests entered in the journals of the two Houses against the passage of the bill authorizing the loan, but which were disregarded by the majority :

We, the undersigned members of the Senate, protest against the passage of a bill entitled " A bill to create a debt of the State of South Carolina, to be known as the sterling funded debt, the same, or the proceeds thereof, to be exclusively used in exchange for or in payment of the existing public debt of the State of South Carolina," for the following reasons :

1st. Because to create any further debt at the present time is unwise and unnecessary.

2d. Because the existing debt of the State is unknown, and a correct knowledge of it cannot be obtained.

3d. Because it is admitted by the champions of this bill and its friends that the financial managers named in its text are not the proper persons to be clothed with such a fiscal trust.

4th. Because it will increase the burthen of taxation, now already oppressive, and swell the aggregate of the interest on the existing and the sterling funded debt to the amount of \$1,000,000, or at the rate of six mills per dollar per annum upon all the property of the State of South Carolina.

5th. Because the agent or agents who are to negotiate and manage the proceeds of the sales of the \$6,000,000 in sterling bonds for twenty years to come, are not required in any way to give security of any kind for the enormous trust confided to them.

6th. Because the question of such a large indebtedness, viz :—\$6,000,000 in gold—the largest ever at any one time in the history of the Legislature of the State of South Carolina authorized—should have been submitted to the qualified voters of the State for their approval or rejection, before the General Assembly put it beyond their power to control.

7th. Because the credit of the State must be impaired as the column of indebtedness is increased.

8th. Because the excessive taxation that is to follow this new created debt will produce discontent and dissatisfaction throughout the whole State, and will inspire opposition to the government, that

will disrupt the peace and increase the disorder now so threatening and deplored in our community.

(Signed,)

B. F. WHITTEMORE,  
E. E. DICKSON,  
W. E. HOLCOMBE,  
JOHN WILSON,  
G. W. DUVALL,  
D. BIEMAN,  
J. FOSTER.

The protest of the members of the House :

We think the measure a good one, and if properly managed and directed, might be productive of good and substantial results. But believing that a majority of those composing the "financial boards" are without financial knowledge and experience, which is so eminently required to successfully carry out such grave and important measures as the one in question, and further believing that such safeguards as will properly and efficiently protect the rights of the State have been neglected, we are constrained to vote as above indicated.

(Signed,)

E. H. FROST,  
B. A. BOSEMONT,  
CHARLES S. KUH,  
JOSEPH D. BOSTON,  
C. J. ANDELL,  
FORTUNE GILES,  
W. W. JERVEY,  
M. GOGGINS.

I will close this evidence of fraud and corruption by quoting from the protest against the Greenville Railroad, made by leading minority members of the House, and entered in the journal February 26, 1871 :

1st. Because it (the bill) is a deliberate and willful attempt on the part of those in whose interest the bill was framed, to enrich themselves at the expense of the State.

4th. Because the effect of its passage will be to injure the credit of the State abroad, which even now does not rest upon the most secure and substantial basis, owing, we fear, to the mismanagement and cupidity of those to whom the affairs of the State are intrusted.

Thus you will perceive I have confined myself to documentary proofs from radical official sources, and, did time permit, I could greatly swell the record from the proceedings of the Legislature



and official publications of the past two years. The conclusive reasons and facts produced by these able and timely protests of leading senators and members of the House, recorded in the journals at the time of the passage of the bills, not only prove the corruption and unfitness of the Legislature and the leading officials entrusted with the funds of the State, and wielding the destinies of the people, but sustain these charges by radical testimony, which cannot be disputed, and which is most creditable to the conservative action of the individuals concerned, rising, as they do, above party issues, whose action and conservative statements I desire now to acknowledge as the most conclusive evidence of the propriety of resisting all future negotiations pledging the faith of the State, so long as the people whose property is to be pledged are denied the right of protecting their interests by proper representation in the Legislature.

Leaving for the discussion of others the various forms of oppression and misrule under which the State suffers, I propose to call your attention to the repudiation of the party in power, and the disgrace which has fallen upon the hitherto unquestionable financial integrity of the State. I refer to the willful refusal to pay the matured *fire loan debt*.

It appears that the Legislature of the State, in the session of 1838, authorized the Governor to negotiate a loan for some two millions of dollars, to rebuild that part of the city of Charleston, then lying in ruins, caused by the destructive fire which had devastated that city—pledging not only the faith and credit of the State, but the capital and profits of the Bank of the State for the prompt payment of the interest and for the liquidation of the principle as the loan should mature.

The proceeds of this loan were to be deposited in the Bank of the State, and to become a part of the capital of said Bank, to be loaned out to property-owners, in the burnt district of Charleston, secured by bond and mortgage of the respective lots to be rebuilt upon by said loans.

The president of the bank and the Governor of the State, jointly, appointed Mr. McDuffie as their agent to proceed to London and negotiate the loan. On Mr. McDuffie's arrival in London, he published an address, in which he made the following statement :

The Legislature, in order to make assurance doubly sure, has provided that, in addition to the general pledge of the faith and resources of the State, particular funds shall be specifically appropriated and set apart to secure the punctual payment of the interest and principal of this loan. As this fund will partly consist of the profits which shall accrue from the two

millions now to be borrowed, the mode in which it is to be used will be stated. It is to be deposited in the Bank of the State of South Carolina, as so much capital, to be employed, by that bank, acting as the fiscal agent of the State, in accomplishing the objects of the loan, viz: to aid the citizens of Charleston to rebuild their city.

Upon the faith of these representations and pledges of the legislative enactments referred to, Messrs. Baring Brothers & Co. became the purchasers of the larger portion of the bonds, and through their influence most of the balance was negotiated, on most favorable terms to the State, I think, at 93 per cent. and at the low rate of 5 per cent. interest, because of the peculiar nature of the security, having not only the honor and faith of the State, which had always met its engagements promptly, but had also the capital and profits of the bank to fall back upon, and the further power of a legal remedy in the courts in case of default of payment, which remedy could not be resorted to against a sovereign State.

The bank, therefore, became not only the debtor of the holder of these bonds, but was agent for the State and trustee for the creditors. The proceeds of these loans were lent out by the bank as contemplated by the statute. Charleston was rebuilt and the loans made long since returned to the bank, with a large profit to the State on the transaction, interest charged by the bank being much greater than the interest paid by it to the English capitalists—£123,500 matured as was paid by the bank in 1858, leaving outstanding £109,000; in round numbers, about \$545,000 in gold, which became payable July 1, 1865.

The Legislature of 1865, finding the State unable to pay these obligations promptly, did honestly propose to devote the assets of the bank to the payment of these bonds and the outstanding circulation, giving the preference to the bonds, under the pledges made by Mr. McDuffie, and the statute under which he negotiated the loan. But the present administration initiated a policy which has led to expensive and troublesome litigation, and this loan left unpaid and virtually repudiated for five years, although the Messrs. Baring offered to renew the bonds on the same liberal terms which had been extended to the State of Massachusetts in London, provided the securities originally pledged should be devoted in good faith to the indebtedness. Another issue of this fire loan, made about the same time, in the United States, under the same statute, and for the same purpose, amounting to \$318,000, and advertised to be paid in gold, January 1, 1871, was repudiated also, although the fiscal agent, Mr. Kimpton, gave notice, by public advertisement, in New York, Columbia and Charleston, that principal and interest would be paid on that day.



It is true that legal questions have arisen between various creditors of the Bank of the State as to priority of loans. But this litigation seems to be the only resource of the creditors as long as the authorities of the State continue to repudiate the indebtedness of the State; for in all issues now pending against the assets of the Bank the State is bound, in good faith, to pay the litigants, because the State is liable for the deficiency of the bank to make good its obligation.

The want of financial skill is as evident as the repudiation of these debts are glaring and dishonest. How can a State hope to negotiate loans when defaulting in payments already due, and attempting also to deprive the creditor of securities, pledged in good faith, to obtain the loan?

While these legislators were repudiating their contracts with the Messrs. Baring, and refusing to make any provision for the payment of their fire loan bonds, due five years since, and even passing laws to deprive them of the assets of the bank pledged for the security of these bonds—in a spirit of extraordinary liberality with the taxpayers' money, they were passing laws to increase the burdens of the people by the payment of interest on the bonds in *gold*, which bonds they had largely purchased at a great depreciation, and by investing \$750,000 in land to be distributed among their favorites; and all this time they kept an agent in New York, borrowing the money on call, and hypothecating the bonds of the State in the wildest manner, and endorsing the bonds of railroads to an almost indefinite extent, so that leading members of the Senate openly avowed their inability to compute the actual indebtedness of the State as I have already quoted to you. Are you surprised that the credit of the State should have fallen so low? Repudiation is always a crime which never fails to bring lasting and severe punishment home to the perpetrators. An individual or a State may become so reduced by misfortune or bad management as to be unable to meet obligations, but no individual or State has ever profited by an exercise of bad faith, no matter how ingenious the arguments used in justification.

I have seen the Governor of a State almost repulsed from a banker's office when applying for a loan, with United States bonds as security, because his State had repudiated some territorial issues of bonds. The banker refused to hold intercourse with him officially.

South Carolina has been terribly impoverished by the war, and her sons insulted and robbed by these adventurers which have been forced upon her, but the honor of the State is in the custody of her sons, and will suffer no diminution at their hands.

We have everything here but a good government and active capital. Our people are intelligent, industrious, and honest; our soil is productive and our climate genial. Controversies like this, if conducted with conservative decision, will gradually enlist large numbers out of the ranks of the party which have been acting against us. I am confident that the conservative element of that party are ashamed of their company, and are too American at heart to sustain the practices and measures we complain of. Capital will flow in upon us when we can demonstrate the safety and profit of investments in our productive industry, by the suppression of the frauds and extravagance which now threaten to drive the State into bankruptcy, as our rulers have already disgraced us by repudiation. Railroads and manufactories will be organized, and our laborers will be able to enjoy the fruits of their industry, which is now taken from them under the forms of taxes, to pamper corrupt and ignorant representatives who amuse the newspaper correspondence of the country, and demonstrate that civilization is not always onward, even when directed by the party of progress.

While we must investigate and use every effort to correct the evils which have befallen the State, and co-operate with all parties and all persons who will lend us a helping hand to restore her to her former position of dignity and power, and her citizens to all the rights and immunities becoming freemen, still we must not be discouraged if our progress falls below our hopes. We cannot disguise from ourselves that the fearful losses of the late civil war have not only seriously impaired our power of reproduction as citizens of this State, but have also entailed heavy burdens on us as citizens of the United States. The production of wealth must be necessarily slow for years to come, and therefore the greater necessity of enforcing the most rigid economy on those who expend the public money of the State and that of the Federal Government.

The taxable value of the property of the State, in 1860, was \$490,000,000, and the taxes only \$392,000; now the taxable property has been reduced to \$184,000,000, and the taxes increased to \$2,000,000—so, you perceive, while your property has been reduced to less than half its former value, your taxes have been increased five hundred per cent.

Indeed, the recent census reports show a heavy decrease in the property of the Southern States, nearly 2,000,000,000, and the present debt of the United States, say \$2,500,000,000, just about balances the accumulations of the people for the past ten years, leaving no profits—and hence the steady but slow decline of real estate and other property depending on accumulations of wealth for an advance in price.

The Government of the United States are now drawing from the hard earnings of the people some \$400,000,000 per annum, which is at least \$1,000,000 more than the surplus earnings have shown for the yearly average of the last ten years.

From 1850 to 1860 the increase of wealth in the United States was \$4,500,000,000, or but \$450,000,000 annually. From 1860 to 1870 the increase is but \$2,500,000,000, or 250,000,000 annually. I simply adduce these figures to show that we must not be too sanguine for the future with these burdens of Radical rule in the National and State governments thrown upon us. Nor yet must we be discouraged by the falling off in value of real estate and other property, and the limited profits of our industry. With all these drawbacks, we compare favorably with every section of the country. And the restoration of intelligent and honest men to power, working under the true doctrines of the Constitution at Washington and Columbia, which is not far off, will soon restore that prosperity and true national greatness which formerly characterized us as a people.

Mr. Lathers suggested that there be appointed :

1. A committee to confer with the Governor on the necessity of extending the time for the payment of the November taxes.

2. A committee to investigate the indebtedness of the State, the books and accounts of the Treasurer and Comptroller, and compare the same with the statutes for raising and disbursing the monies of the State.

3. A committee to investigate the accounts of the fiscal agent of the State in New York.

4. A committee to inquire into the amount of money annually raised by taxation, and whether there is any necessity for the excessive taxation now imposed on the people.

5. A committee to inquire into the grievances, the frauds and extravagancies caused by the anti-American principle of taxation without representation, and report a remedy for the same.

6. That an Executive Committee be appointed who, together with the President of this Convention, shall have it in charge to protect the interest represented by this Convention in the interval of adjournment, to keep in view the current legislation of any future meeting of the Legislature, and to call together at such time as they may deem expedient.

7. That this Convention confirm the action and resolutions of the Board of Trade and Chamber of Commerce of Charleston, in respect to the sterling loan.

8. That a committee be appointed to investigate and report a plan to restore the credit of the State, and to confer with the representatives of the "fire loan securities" of the State, which have been practically repudiated by the State authority, with a view to repair the damages to the good faith and honor of the State, by influencing an early liquidation of these obligations.

Mr. Ellison Keitt, of Newberry, offered the following resolutions :

*Resolved*, That the President of this body be, and he is hereby authorized, to appoint a committee of six to draw up a petition setting forth the grievances of the people of this State, and asking the President and Congress to take charge of the State and put it upon an enduring foundation—a foundation that will secure a fair representation of the people, that we may go to work, and not only build up our own State, but aid in advancing the prosperity and the glory of the Republic.

*Resolved*, That the several counties of the State are respectfully invited to meet at their respective Court Houses on the first Monday in June next, and appoint two delegates, who will meet in Columbia on the Monday following, when, after organizing, they will proceed in a body to Washington City, and present the petition to the President.

The rule was suspended, the resolutions considered immediately, and laid upon the table.

Mr. E. B. C. Cash, of Chesterfield, offered the following resolution, which was considered immediately and agreed to :

*Resolved*, That the Governor of the State of South Carolina be invited to a seat on the floor of this Convention.

Mr. F. F. Warley, of Darlington, offered the following resolutions :

*Resolved*, That it be referred to the Executive Committee to inquire and report upon what terms and for what consideration the making and execution of the Blue Ridge Railroad Company, and other companies, of a mortgage to Henry Clews, Henry Gourdin and George S. Cameron, to secure the payment of certain bonds, was ratified and confirmed by the Legislature, and the said mortgage declared to be a "lien prior to that of the State on all property described in said mortgage, and on the entire line of the Blue Ridge Railroad, and on all other properties of the several companies, or which they, or either of them, may hereafter acquire."

*Resolved*, That the committee be instructed to report what action, if any, can be taken by this body to prevent the subordination of the State's lien upon the line of the Blue Ridge Railroad, and the entire properties of the other companies, to the junior claims of private individuals.

The resolution was considered immediately, agreed to, and the subject matter referred to the Executive Committee.

Mr. M. W. Gary offered the following resolution, which was considered immediately and agreed to :

*Resolved*, That a committee of seven be appointed to memorialize the Governor and the Legislature of this State as to the expediency of repealing or modifying the election laws of this State, and that said committee do report upon the expediency of adopting the cumulative system of voting, or such system as will protect the rights of minorities.

The Convention then took a recess until 4 P. M.

## EVENING SESSION.

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THE Convention re-assembled at 4 o'clock P. M., the President, Hon. W. D. Porter, in the chair.

The following additional delegates appeared at the Secretary's desk and enrolled their names:

*Charleston*.—W. B. Smith.

*Chesterfield*.—Alfred M. Lowry.

*Clarendon*.—John L. Manning, John P. Richardson and James E. Tindall.

*Fairfield*.—John Bratton, T. W. Woodward.

*Kershaw*.—Wm. M. Shannon.

*Lexington*.—F. S. Lewie.

*Sumter*.—John B. Moore, F. H. Kennedy.

*Williamsburg*.—David Epps.

The President laid before the Convention a communication from the Hon. J. L. Neagle, Comptroller General, presenting copies of the annual report of his Department, and statements of the public debt.

The reports and statements were ordered to be distributed among the delegates.

The President announced the following committee of eleven under the resolution of Gen. M. C. Butler:



## COMMITTEE OF ELEVEN.

Messrs. M. C. Butler, Cadwallader Jones, Gabriel Cannon, B. W. Ball, W. H. Wallace, Richard Lathers, A. M. Lowry, G. A. Trenholm, E. J. Scott, W. B. Smith, T. C. Weatherly.

Also the following committee of seven under the resolution of Gen. M. W. Gary :

## COMMITTEE ON ELECTION AND SUFFRAGE LAWS.

Messrs. M. W. Gary, C. W. Dudley, William Wallace, B. H. Wilson, J. P. Thomas, E. S. Keitt, J. H. Screven.

Also the following to compose the Executive Committee, under the rules of order offered by Gen. J. B. Kershaw, and adopted by the Convention :

## EXECUTIVE COMMITTEE.

Messrs. James Chesnut, Johnson Hagood, Thomas Y. Simons, C. W. Dudley, E. B. C. Cash, F. F. Warley, A. P. Aldrich, Henry Gourdin, H. C. Smart, William Wallace, R. L. McCaughrin, A. D. Goodwyn, J. L. Westmereland, A. H. Davega, A. B. Woodruff.

Mr. C. W. Dudley, of Marlboro, took the floor and spoke as follows :

I rise, Mr. President, for the purpose of introducing certain resolutions, and desire to preface their introduction, with a few explanatory remarks. In doing this, I hope the Convention will excuse me, if by dealing in a spirit of candor, they should listen to opinions not strictly in harmony with those that were at one time very generally entertained under the pressure of a common danger. It is becoming, that those who give a public expression to their opinions, should do so in all sincerity, with the single view of contributing counsel, which has at least the merit of perfect honesty, and is not shaped in any degree by a desire to render it popular. It has not been my habit, in past life, to attempt to amuse a deliberative assembly with exhibitions of this character, and now at this day, with the advantages of a hard experience, it would be still more out of place to consult such a monitor on an occasion like the present.

I see before me the representative men of the once glorious old State of South Carolina. They have not met as of yore, to rejoice

in the traditions of the past, and to stand erect in the consciousness of intelligence, wealth and character rightly appreciated, but they have come together as mourners, sorrowing for the loss of all they held valuable in life, and inquiring whether there be not some way in which the final catastrophe of barbarism, that is fast spreading its dark pall over their beloved land, may be averted, and possibly some means be discovered by which wealth, intelligence and patriotism may once more be estimated at their proper value, in administering any government, wherein they can be found. It is indeed melancholy to look around upon the wreck of all that Carolinians once held dear. The stately mansion, where once was dispensed the elegant hospitality of a southern home, is now tenanted by poverty and broken hearts. Strangers have come in, and appropriated to themselves all the offices of profit and trust, whilst they who were to the manor born, have no voice in the legislation of their own country, and are chained down to the soil, only to be taxed to support the authors of their ruin! The privilege of the ballot, once so dear to every freeman, has, under the disguise of a principle, been converted into an instrument by which the white man has been robbed of his influence, and the African race, unaccustomed to the duties of a statesman, have been transferred from scenes of daily labor in the fields, and assigned to discharge the functions of the legislator, and the judicial magistrate.

The picture is too sad to be drawn out fully, to the extent of its hideous proportions; and is only referred to here, as a part of the history of the times, of great value in determining the principles upon which this Convention will proceed at the present time. If by an injudicious course heretofore pursued at certain crises of our fortunes, nothing but calamity has been the result, it may be well to inquire, whether it is not time now to change the policy which once prevailed, and adopt that which is recommended by the judgment, although it may not gratify the passions. The bravest of soldiers cannot resist destiny, nor will his good judgment counsel him to do so, but rather to accept the situation with the best grace he can, which adverse circumstances have forced upon him.

Had this principle prevailed in 1865, South Carolina might have been admitted into the Union forthwith, without the terrible conditions which were afterwards exacted. Had there been sufficient evidence in the elections, that past issues were really buried and forgotten, the reconstruction of the government would have been attended with few or no changes, distasteful to the Southern mind. But human nature, smarting under defeat, asserted itself in still clinging to old issues, and thereby admonished the dominant party, that there was danger still from an element, which though crushed,



had not been killed. A series of precautionary measures were adopted, culminating in the Fourteenth Amendment of the Federal Constitution, whereby many of the most prominent citizens of the State were subjected to disabilities, and thereby excluded for a time from the large influence they had once exerted over the affairs of the people. In the morbid condition of the public mind, which then existed, the Legislature of South Carolina rejected this proposition, with only one dissenting voice. Voters were called in, to whom these measures were not distasteful, and the result has been, that the power of the white man has been taken away, and he has been compelled, hitherto to look in silence, upon the sacking of his home, by foreign adventurers, in control of the voting population, until at last, human nature, impelled by the instincts of self-preservation, has sought relief in the deliberations of this Convention.

Taught by a bitter experience how little can be gained by resisting the power which has controlled these events, it remains for the people to accept them in the best spirit they can, as accomplished, irreversible facts. With a knowledge of what is before them, it is not impossible for the public mind to adapt itself to the necessities of the situation, and gradually to become reconciled to contend for the prizes of life, even under conditions like these. Where nothing can be gained by standing sullenly still, whilst others are plucking all the fruits of energy and effort, a wise policy plainly indicates that we too, conscious of the powers to maintain the contest with them on equal terms, should at once enter the lists, and achieve the restoration of the State to the hands of those who will consult only its honor and its lasting prosperity. Let the world know that this only is our ambition; that the foundations of the State Government having been laid, we intend peaceably to build up the superstructure, and take our chances for the future with such opportunities as the results of the war have left at our command.

When this shall be fully understood, the sympathies of the Northern heart will be with us. Apprehending revolution no longer, the power which has been directed against us will come to our rescue to avert the impending calamity of barbarism, and restore the civil government into the hands of virtue, intelligence and patriotism. The future prosperity of South Carolina cannot be a matter of indifference to the statesmen of the North, for they know too well that the gangrene which destroys the extremities, will in due time reach the heart of the republic. We will have their aid in all that tends to the rebuilding of the magnificent structure of the Union, and maintaining its perpetuity. If there are elements here at work, which threaten the hopes of the true patriot in that regard,

we will not be alone in the virtuous effort to expel them, and side by side, the North and the South will march together, to the victory which virtue and intelligence must always demand over ignorance and depravity. Already, are the republican organs in other States beginning this battle for the right. No longer the enemies of their white brothers, who are willing to be their friends, we find them boldly denouncing the evils of which we so justly complain, and with the resistless current of public sentiment, which will ere long sweep over this whole land, these political cancers will be eradicated, and the bright lamp of hope will again illumine the path of the South Carolinian and reconcile him to his country.

This, and this only, is the path of true wisdom. Nothing really valuable can be achieved in any other way. For it must not be forgotten, that no measure of civil polity can be forced upon a majority of 30,000 voters, without their free and full consent. The colored population must give us their assistance in any reforms which are contemplated. This they will do, just as soon as they discover that their former owners are completely reconciled to their new condition. If they have turned from us heretofore, from a suspicion that their newly acquired rights had been grudgingly granted, and were not safe in the hands of those who had never recognised them as equals, this was but natural—and we are compelled to admit, that under similar circumstances we would have done so ourselves. They have looked for protection to others, because they were afraid to trust their all to those who might have a motive to betray that trust.

Here, then, lies the difficulty to overcome. If it has been the work of years to educate the white people of this State to a proper sense of their real condition and of their true interests, the same lapse of time has taught lessons of wisdom to the colored race also, and they are beginning to see that all the "protection" they really have had, has been the privilege of voting for those whom they have enriched, at the expense of the suffering and poverty of their former owners, whilst they are still poor themselves, and are thrown back upon the same owners for the bread which keeps alive their wives and children. They must see that this is the source from which they are to draw their supplies in future—and that their interest lies in preventing mere strangers and adventurers from taking every thing themselves, in the form of unnecessary and oppressive taxation. The day is fast approaching, when the native Carolinian and the colored man will be in perfect accord in all measures for their mutual protection, and the 30,000 votes which have spread such ruin over the State will turn their batteries against those who have selfishly destroyed the people to enrich themselves, and make

the colored race poorer still, who were poor enough before. As a race, they are kind hearted and affectionate, and desire to lean upon those with whom they played in their childhood.

With natures thus inclined, our task of perfect reconciliation is easy. Let us be not only just to them, but generous. The obligation is upon us. They gave us their work during the war, when an obvious self-interest might have stimulated their hostility. They protected our families by all the means in their power, when the white man was on the distant battle field, and his home was without other protectors. Surely, if ever there was a debt, founded on the strongest moral obligation, it will be found in the humble claims which the colored man now makes upon his former owners, and this is, only that they may be protected in the rights which the results of the war have given them—rights, which they never demanded for themselves, but have only accepted at the hands of others.

Upon this easy condition, this 30,000 majority, heretofore hostile, will melt away, as a huge glacier under the warming rays of the sun. It may not be the work of a moment, but the result is only a question of time. Already is it commenced, and the relations between the races are now far more cordial than they have ever been since the war. Now, let this Convention, composed as it is of the heroes of many a battle field, rise up to the moral heroism of proclaiming to the world their unalterable purpose to repay the kindness and fidelity of the colored man by an unreserved acknowledgment of his newly acquired rights, and such a pledge, coming from the representative men of South Carolina, who have never yet learned to equivocate, or evade, will be respected by all those who are capable of appreciating properly the obligations of personal honor.

With these introductory remarks, I beg to submit to the Convention the following resolutions:

Mr. Dudley introduced the following resolutions:

The delegates to the Tax-payers Convention, now met and sitting in Columbia, S. C., desiring to be fully understood by their fellow citizens of this State, and of the United States, do consider it proper and becoming to make this declaration, setting forth the causes which have called them together, and the objects which they have in view.

At the close of the war, in 1865, the people of South Carolina were bowed down by hard realities, which, in the very nature of

things, would require the lapse of years to make tolerable. The task before them, was to take to their arms the people who had humiliated them by defeat; to unlearn the glorious traditions of the past; to disavow the well settled opinions, in which they felt to be involved, all they held dear in the history of their native State; to surrender the wealth which they had inherited or acquired, and consent to the hard lot of the bankrupt, for themselves and their families; to feel that henceforth their social position was to be one of sackcloth and ashes, in which they would be compelled to recognize their former slaves as their equals, and receive them as visitors in their parlors; to see their proud old State in the hands of strangers, whilst the native born citizen, qualified by education to guide and direct the administration of its internal affairs, was only allowed to stand at the door, and pay the expense of those who caroused within.

It might have been more artful for those who had to undergo this ordeal, to have smiled hypocritically, and sung hymns of praise to their own humiliation. But true to the instincts of nature, their honest aims went no farther than to discover how to mitigate the severity of their sufferings, by a quiet acquiescence in the portion fixed upon them by the results of the war.

Hence, in sorrow and apprehension, they have plodded their weary way, for the last six years, and with the hard lessons of a bitter experience, have gradually reached conclusions, which enable them now to declare,

*Resolved*, 1. That they meditate no resistance whatever to the Government of the United States, under its present administration, and intend in respect thereof to conduct themselves as peaceful, law-abiding citizens.

2. That however distasteful the reconstruction measures have been to the Southern mind, we now view them as finalities, and recognize the duty of obeying them in letter and in spirit, and as far as in our power lies to make that duty pleasant.

3. That we look to time, and to peaceful measures only, for the solution of any difficulties that now exist or may hereafter exist in the administration of the affairs of this State, and we entertain the be-

lief, that all the changes and modifications that may be desired in that connection can and will be effected by the quiet influence of an enlightened public opinion.

4. That the exigencies of the times demand from the people other efforts than those intended to promote the success of any "party;" their true interests consisting in uniting with good citizens of any and all parties in promoting the welfare of every section and of every class of the people.

5. That we deprecate any and all local disturbances arising out of the irritation consequent upon the supposed mal-administration of public affairs in the State, and our appeal to the people to respect the laws and to look to them only for the redress of such grievances as may now or hereafter exist, and unite with their fellow citizens in a continual effort to promote the cause of peace and harmony amongst all classes of the people and secure the permanent prosperity of the State.

These being the principles intended to regulate the conduct of the people of this State, we feel prepared to co-operate with the authorities in all necessary reforms and improvements in the government, having for their object the best interests of the commonwealth; and that we have the right to present to them for redress any grievances of which we may justly complain. And, in the exercise of that right, we ask for relief in the following particulars:

1. The adoption by the Legislature of such methods of voting as will secure a representation therein of a minority of the voters.

2. Retrenchment in the expenses of the State by abolishing every office that can be dispensed with, and the reduction of the salaries of those which are necessarily retained.

3. That the public debt shall not be increased, and that His Excellency the Governor be requested, as far as lies in his power, to arrest the issue and negotiation of the bonds, created under a recent act of the Legislature, for funding the debt of the State.

Believing that the principles above proposed really actuate the great masses of the people, it is the purpose of this Convention to



attain the ends above indicated, and such other kindred measure as may appear necessary hereafter, by such peaceful and legitimate means as comport with the duty of good citizenship, and not otherwise.

The resolutions were referred to the Executive Committee.

Mr. F. F. Warley, of Darlington, introduced the following resolutions, which were referred to the Executive Committee:

*Resolved*, That this Convention earnestly exhort the people of the State to abstain from all acts of violence, calculated to supplant the regular and due administration of justice, and to rely upon the law and other proper agencies for the redress of those grievances of which they justly complain.

*Resolved*, That His Excellency Governor Scott having expressed a desire to appoint good men to office, it is but due to him that the citizens of every county should communicate freely with him in reference to the fitness and qualifications of his appointees, and give him the opportunity to remove those who have shown themselves to be inefficient, unworthy or unfit for the offices they hold.

*Resolved*, That we recommend the people throughout the State, without respect to political opinions, to assemble in primary meetings, and earnestly and respectfully petition the Legislature to abolish the numerous useless offices which are sustained by taxation, to repeal the many obnoxious and unequal laws which encumber our statute books, and to enact such laws as will secure to the tax-payers a fair representation in the Legislature.

Mr. A. P. Aldrich, from Barnwell, offered the following resolution, which was referred to the Executive Committee:

*Resolved*, That the Executive Committee do inquire and report on the grievances of taxation without adequate representation in the taxing body, and suggest a remedy for the existing evil.

Mr. D. H. Chamberlain, from Richland, offered the following resolution, which was referred to the Executive Committee:

*Resolved*, That a committee of five be raised to examine and report upon the accounts of the State with the Financial Agent of the State in New York, and that they apply to the Governor for his aid and authority to make this examination.

Also introduced the following preamble and resolution, which was referred to the Executive Committee :

WHEREAS, The material welfare of the property-holders and tax-payers of this State demand the faithful enforcement of the laws for the protection of life and property ; and,

WHEREAS, Violence and crime, if permitted to go unpunished, tend inevitably to derange the industry, paralyze the enterprize, and destroy the national welfare of our State ; therefore,

*Resolved*, That the Executive Committee of this Convention be instructed to inquire into the alleged violence now prevailing in several counties of this State, and to report upon a plan for the better execution of the laws against such violence, and the better protection of all citizens in their lives and property throughout the State.

The Convention then adjourned to meet to-morrow at 12 M.





## SECOND DAY'S PROCEEDINGS.

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WEDNESDAY, MAY 10, 1871.

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PURSUANT to adjournment, the Convention met at 12 M., the President, Hon. W. D. Porter, in the chair.

The President announced the Convention ready to proceed to business.

The Secretary read the journal of yesterday's proceedings.

On motion, the journal was confirmed.

The following additional delegates came forward and enrolled their names :

*Abbeville.*—Armistead Burt, B. Z. Herndon.

*Anderson.*—James A. Hoyt.

*Edgefield.*—M. L. Bonham.

*Pickens.*—W. E. Holcombe, D. F. Bradley.

*Oconee.*—J. A. Doyle, William C. Keitt.

*Orangeburg.*—A. D. Frederick.

Mr. Gary moved a suspension of the rules for the introduction of the following resolution :

*Resolved*, That W. D. Simpson, of Laurens; C. H. Suber, of Newberry; A. D. Goodwyn, of Orangeburg, and W. H. Trescott, of Greenville, be invited to seats upon the floor of the Convention, and to participate in the deliberations.

Leave was granted, the resolution considered immediately and adopted.

Mr. Chesnut, from the Executive Committee, to whom was referred the resolutions offered by Mr. Warley, made the following report :

“The Executive Committee, to whom was referred the resolutions of Mr. Warley in regard to the administration of justice, etc., beg leave to report that they have considered the same, and recommend that the resolutions do pass.

Respectfully submitted,

JAMES CHESNUT, Chairman.”

On motion of Mr. Chesnut, the report was considered immediately as a whole and adopted.

A call of counties was had under the rule.

Mr. Aldrich offered the following resolution, which was referred to the Executive Committee under the rule :

*Resolved*, That the Executive Committee, with the President, shall have it in charge to protect the interest represented by this Convention in the interval of adjournment, to keep in view the current legislation of the Legislature, and to call the Convention together at such time as they may deem expedient.

Also the following resolution, which was referred to the Executive Committee under the rule :

*Resolved*, That a committee of five be appointed by the Executive Committee to prepare a truthful and condensed report of the condition of the State now and since the war, and that the same be printed and distributed.

Mr. T. Y. Simons, from Charleston, offered the following resolution which was referred to the Executive Committee under the rule :

*Resolved*, That a committee of five be appointed to confer with the Governor, in relation to the postponement of the collection of taxes, to be raised in November ensuing, and report upon the same to this Convention.

Mr. Wm. Wallace, of Richland, offered the following preamble and resolutions, which were referred to the Executive Committee under the rule :

WHEREAS, Crimes hitherto unknown in South Carolina, viz : embezzlement of public funds, and bribery in the Legislature, have become so flagrant as to make the Government of the State a by-word and reproach in the eyes of the civilized world, committed as they have been almost openly in the presence of the Executive of the State and of the Attorney General, whose duty it is to see that all offenders are brought to punishment. And whereas, these violations of law on the part of those occupying high places in the Government, committed almost openly and with impunity, beget a spirit of lawlessness throughout the State ;

*Resolved*, That the Attorney General be instructed to ferret out and prosecute all such offenders, and that a committee of five, members of this Convention, be appointed by the chair, to aid that officer in the discharge of his duty.

Mr. A. B. Woodruff, of Spartanburg County, introduced the following resolution, which was under the rule referred to the Executive Committee :

*Resolved*, That it be referred to the Committee of Eleven, to report on the propriety of proposing some plan, through the Governor, or otherwise, by which the law requiring all official notices to be published in certain papers, be repealed, or so modified as to remove said requisition.

Mr. H. C. Smart, from Beaufort, offered the following preamble and resolutions, which were under the rule referred to the Executive Committee :

WHEREAS, Recognizing our obligation as delegates of the people of this State in voluntary Convention assembled, to adopt such measures as in our judgment be most conducive to social harmony, mutual co-operation in, and support of the government, and confidence in the financial condition of the State.

Receiving and accepting in good faith the assurances of his Excellency that he "will render any aid in his power to facilitate such object," and that "any plan which this Convention may adopt consistent with our system of free government will deserve the earliest attention and support of the General Assembly."

Appreciating his suggestion as to the proper and most effective remedy for the existing evils, to wit: "to secure for the State the services of citizens whose experience and personal character would furnish a sufficient guarantee for wise legislation and judicious expenditure of the public funds;" be it, therefore,

*Resolved*, 1. That the Executive Committee of this Convention be and they are hereby requested to nominate a committee to consist of not less than three nor more than ten competent persons, who shall make and cause to be made a thorough investigation of all the liabilities of the State.

2. That his Excellency the Governor be and he is hereby requested to render any aid in his power to the accomplishment of this object. And as an important agency exists in the city of New York, a visit to which would entail much expense on the members of this committee, this aid be extended to embrace transportation of the committee.

3. The officers of the various departments be and are hereby requested to give to the committee access to all sources of information within their power.

4. That the Executive Committee be continuous in its organization, subject to the call of his Excellency and its Chairman.

5. In addition to the duties hereinbefore provided for, the members of this committee (the Executive Committee) shall by conference and communication with his Excellency the Governor, whenever by him desired, assist him to secure the services of citizens, to fill the various offices of State and County, whose experience and personal character will furnish a guarantee for wise administration, and thereby secure the popular confidence of the tax-payers and other good citizens.

6. That we are opposed to repudiation of any past debt, and hope that the result of the arrangements herein provided will be

to secure the prompt payment of all lawful and just obligations ; *provided*, however, that we distinctly reserve the right to further action on this point until after the reports herein contemplated are made.

Mr. B. H. Wilson, from Georgetown, introduced the following resolution which was referred to the Executive Committee :

*Resolved*, That it be referred to the Executive Committee to report some plan by which the necessary expenses of this Convention shall be provided for.

Mr. Chesnut, from the Executive Committee, asked leave for that committee to sit during the regular session of the Convention.

Leave was granted.

Mr. Wilson moved to take a recess until 4 P. M.

Mr. William Wallace moved as an amendment that the Convention take a recess until 7 P. M.

The amendment was agreed to, and the Convention took a recess until 7 P. M.

EVENING SESSION.

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THE Convention re-assembled at 7 P. M., the President, Hon. W. D. Porter, in the chair.

The President announced the Convention ready to proceed to business.

Mr. Warley, of Darlington, introduced the following resolution, which was referred to the Executive Committee under the rule:

*Resolved.* That this Convention, representing the tax-payers of the State of South Carolina and authorized to speak for them, solemnly declare the intention of the people to resist by all lawful means the payment of any debt hereafter contracted by the present State Government, or by any subsequent Government in which the property-holders of the State are not represented.

Mr. T. Y. Simons, of Charleston, introduced the following resolutions, which were referred to the Executive Committee under the rule:

*Resolved,* That this Convention of the property-holders and tax-payers of the State of South Carolina, do hereby deem it our duty to declare that the so-called sterling loan, or any other bonds or obligations hereafter issued, purporting to be under and by virtue of the authority of this State, as at present constituted, will not be held binding on us, and that we recommend to the people of the State in every manner, and at all times, to resist the payment thereof or the enforcement of any tax to pay the same, by all legitimate means within their power.

*Resolved*, That we deem it our duty to warn all persons not to receive, by way of purchase, loan or otherwise, any bond or obligation hereafter issued, purporting to bind the property or pledge the credit of the State, and that all such bonds and obligations will be held to be null and void, as having been issued corruptly, improvidently and for fraudulent purposes, and in derogation of the rights of that portion of the people of this State, upon whom the public burdens are made to rest.

*Resolved*, That a committee of five be appointed to investigate and report a plan to restore the credit of the State, and to confer with the representatives of the "fire loan securities" of the State, which have been practically repudiated by the State authorities, with a view to repair the damage to the good faith and honor of the State, by influencing an early liquidation of these obligations.

Mr. Adams, from Richland, introduced the following resolutions, which were referred to the Executive Committee under the rule :

WHEREAS, Taxation without adequate representation is an anomaly in a true Republican Government ; and, whereas, the tax-payers of the State of South Carolina are now laboring under the intolerable burdens arising from non-representation in the legislative councils of the State : be it, therefore,

*Resolved*, By the delegates of the tax-payers of South Carolina, in Convention assembled, that they recommend to his Excellency the Governor a suspension of the collection of taxes for the year 1871, until the adjournment of the next session of the Legislature.

2. That it is the sense of this Convention that the necessities of the tax-payers of the State of South Carolina imperatively require such suspension.

#### PROPORTIONAL REPRESENTATION.

Mr. J. P. Thomas, of Richland, from the Committee on Election and Suffrage Laws, to whom was referred the question of the expediency of cumulative voting, or such system as will protect the rights of minorities, made the following



## REPORT.

The committee to whom was referred the question of the expediency of the cumulative system of voting, or such system as will protect the rights of minorities, ask leave to make the following report :

The means of protecting the rights of minorities, in representative forms of Government, has for a long period engaged the attention of thoughtful minds. In Europe, as well as in this country, this question has been fully discussed, and a satisfactory solution anxiously sought. So defective is the system of mere majority rule—so flagrant are the abuses to which it is liable, that the necessity for its modification strikes with force every impartial observer. It is obvious that the needs of good government require that some effective organism be devised for the protection of minorities. Your committee deem it unnecessary to enter upon an analysis of the several schemes of proportional representation that have been suggested. Enough to say that, in our judgment, the plan of cumulative voting best accomplishes the end in view—best makes representation co-extensive with the whole body of electors. This plan obtains wherever there is more than one officer to be elected. It gives the elector as many votes as there are persons to be chosen, and allows him to bestow his votes upon the whole number, or to cumulate them upon any number less than the whole. The effect of this system is to give to each political interest in a community a representation proportionate to its numerical strength. Under its operation the true office of suffrage, which is to collect the sense of the whole community, will be subserved. There is effected neither exclusive representation of the majority, nor exclusive representation of the minority ; but proportional representation. The proposition is that the cumulative system secures thorough and general representation of all the interests in the political body. To illustrate the system : Under the present electoral system of the State, in a community of 200 voters, 101 elect representatives—say four—for the entire body. That is, out of 200 voters, 101 impose their representatives upon the 99. The 99 have no representatives—



are virtually disfranchised. Now, under the operation of the cumulative system of voting, assuming that, in the same community, the 200 are equally divided politically, the representation would be equally divided. It may be mathematically stated thus: 1,000 voters : 500 voters :: 2:1. Under the operation of such a system, each party would of necessity calculate its strength in advance, and seek to elect only the number proportionate to its numerical strength. For instance, in a certain community let us assume that there are 5,000 Democrats and 9,000 Republican voters, and that there are three persons to be elected. The 5,000 Democrats have 15,000 votes. The 9,000 Republicans have 27,000 votes. If the Democrats were to attempt to elect all three representatives, they could give each only 5,000 votes, which would result in their securing no representative, as the Republicans, being able to give each of their candidates 9,000 votes, would elect them all. On the other hand, if the Republicans were to attempt to elect all their representatives, they could give each only 9,000 votes, which would result in the defeat of one, as the Democrats could cumulate their 15,000 upon one candidate, and thus elect him. The effect would be that each party would, of necessity, cumulate its strength, and there would result a proportional representation. In the case stated, the 5,000 Democrats would secure one representative, and the 9,000 Republicans two representatives. This is the principle of proportional representation by means of the cumulative system.

Your committee, desiring to confine themselves to general propositions, propose to refrain from entering further into details.

Your committee are gratified to state that this system of cumulative voting, which is destined to play so important a part in the development of popular rule, has already been put in operation.—“Proposed, explained and advocated in the first instance by James Garth Marshall, a subject of the crown of Great Britain,” this plan has been championed by ex-Senator Buckalew, of this country, has been incorporated in the revised Constitution of Illinois, and has been put upon its trial in a Pennsylvania town. Recently the subject has attracted unusual interest in the South. In our own State it has been received with great favor, and lifted above the plane of political partyism.

Your committee are of the opinion that, abstractly considered, proportional representation is a great governmental principle—a wise, just measure of reform, and one absolutely necessary to make unlimited suffrage consistent with peace, order and security. It enters the political body as a saving, a conserving element. It comes to leaven the lump of Democracy, and to give the essence of genuine Republicanism, which is, briefly stated, thorough and general representation. But if proportional representation be an admirable system in any government founded upon the popular will, your committee hold that the plan is peculiarly applicable to such a condition of society as this State now presents.

Your committee do not affirm that this would cure all the diseases of the body politic; but they may, without extravagance, suggest that the system of proportional representation, if adopted by those who wield the numerical power, would alleviate many of the evils incident to our present abnormal condition; would, to a large extent, tranquilize public apprehensions; would moderate the spirit of political convulsion, and tend to bring about in this State all the peace that we can reasonably hope to attain.

Your committee are aware of the fact that this measure of electoral reform, if it shall be promptly realized by us, must come from the dominant party of the State. Whether it will come or not, we cannot decide. In either event, the minority in South Carolina put forth their claims in this behalf. It is their right. Should it be denied, the responsibility must rest upon those who use thus the power that the present gives. Should it be tendered, it will doubtless produce the fruits of justice and widen the circle of peace.—This much we may add: Since it is the nature of majorities to change, it may be well for the dominant party to consider whether the adoption of proportional representation may not for them be the best policy for the future, as well as the highest wisdom for the present.

Respectfully submitted,

J. P. THOMAS, for Committee.

Mr. Thomas spoke as follows in support of the report of the Committee :

The principle of electoral reform embraced in the said report, was not a new one. In Europe, as well as in portions of this country, the subject had been discussed, and the principle to some extent applied. The system provided for a just and thorough representation both of *political parties* and of *industrial interests*, and as such it was applicable to the condition of affairs in South Carolina. We are here to consider the remedies available for the local misrule, abuses and extravagances which called this Convention into existence.

The *special* remedies called for, he did not propose to consider. It was the *general* remedy that the committee sought to suggest. This general remedial or palliative agent was proportional representation by means of the system of cumulative voting. It would be admitted that we had in South Carolina a difficult question to meet. We have, living on terms of political equality, two races, with strong lines of difference separating them. Whilst, perhaps, no political millenium was to be realized, yet under the influence of a proper governmental system, it was possible for the white and black races to live together in a condition of reasonable peace and prosperity. This was to be consummated by each acknowledging the just claims of the other, and by both planting themselves upon the basis of justice, good will and right.

Certain it was that mere majority rule had proved disastrous in South Carolina. It had brought the State to the verge of bankruptcy, anarchy and ruin. It was conceded by the dominant party that reform was demanded for the common good. Even the architects of the temple of reconstruction in South Carolina were disposed to admit that the work was faulty, and liable to fall about our ears. If we are to get relief and to give increased stability to our political structure, we must adopt the policy indicated in the report. We must engraft upon our system of suffrage the principle of proportional representation. The report is now submitted to the judgment of the Convention.

Mr. J. L. Manning, from Clarendon, moved that the report and resolutions be laid upon the table for the present.

Mr. Trenholm, of Charleston, asked that the motion be withdrawn, in order to enable him to make a few remarks.

The motion was withdrawn.

Mr. Trenholm then said :

SPEECH OF HON. GEORGE A. TRENHOLM.

The principle of universal suffrage as a means of universal representation, commends itself to the approval of right minded men in all countries. Statesmen oppose themselves to it in vain. It lies at the very foundation of every true Republican Government ; and merits the support of all good citizens. It is not against universal suffrage that we remonstrate ; it is against the imperfect application of it. That mode of practical application prevailing, not in South Carolina alone, but in every State in this Union save one ; a method by which, instead of universal representation, the entire minority, no matter how large that minority may be, is deprived of all representation whatsoever. It is against this great defect, this monstrous inequality, that we remonstrate, and for which we would institute a remedy. The one recommended by the committee is not new ; it has been extensively discussed both in Europe and in this country, and has met with the sanction of many eminent men. In England, that great country, from whence we derive many of the most valued lessons of political government ; amid an aristocracy of birth, wealth and education, the principle of minority representation has been recognized and incorporated in the Constitution. This was done in 1867 ; and again in 1870 it was re-affirmed upon a motion to repeal the act of 1867. This motion was opposed by such statesmen as Bright and Gladstone, and defeated. What was the act of 1867, and why did those holding the supremacy in legislative power make the concession it involved ? It gave one representative to the minority in every county entitled to three members of Parliament, and it wisely anticipated the time when universal suffrage would unsettle the tenure of political power ; when those who now ruled the country might themselves be thrown into the minority.

This principle of minority representation is what is recommended by the committee, and it comes with the sanction of an authority that is of the highest dignity with those on whom the decision of this question devolves. If there is any name revered above all others by the Republicans, it is that of Mr. Lincoln. And what do we perceive in the State from which Mr. Lincoln came ? The Legislature of Illinois is represented to have been as incompetent as ours—representation as imperfect ; and to cure these evils, the same as we are suffering from, they adopted in their election laws the very principle recommended by your committee—the principle of cumulative voting. By a vote of one hundred thousand major-

ity, the people resolved to give to the minority that representation without which universal suffrage is not universal representation.

I hope there will be no difference of opinion in the State on this question. I have the honor, Mr. President, to share with you the privilege of representing in this Convention, the Chamber of Commerce of Charleston; a body in whom the people of Charleston have much confidence; and I feel myself constrained, if not instructed by their known sentiments, to conduct myself with moderation in these discussions. I have always been persuaded of the wisdom, and even the necessity of great calmness in reviewing the results of the late war. Looking at the other side of the question, I saw that the Republican party of the North; which had been the war party; which had carried the country triumphantly through the war that threatened the Union—was destined to become the national party, and for some time to hold the reigns of Federal power. They held that power when the war closed; it was not in human nature to surrender it. And to have left the election laws as they stood before the war, and at the same time to have restored the Southern States to the Union, would have been practically a voluntary surrender of all their political power. Every vote in the South would have been cast for the Democratic party, and their success been made certain. The only salvation of the Republican party, was the establishment of universal suffrage at the South. It was a political necessity with them. We could not have expected anything else. What has been done, we do not desire to undo; all that we ask is to have the recognized and admitted defects of universal suffrage, in its practical application, redressed. The people of the South stood up manfully during the war, in the defence of their principles. They believed slavery to be an institution founded by the Author of all good, for wise and gracious purposes; the pious and good entertained that belief; and feeling their high responsibility, struggled against the sentiment of the world. And, sir, when that same Providence in an unexpected hour, and in an unexpected manner, relieved us from this great charge, the people of this State acquiesced in its decree. No man believes that the restoration of slavery in this country is possible or desirable. If such a possibility did exist, and it were ever submitted to the vote of this Convention, my conviction is that not a voice would be raised in its favor.—Having then relinquished much, for which so many of our people suffered and bled and died, may we not call upon our fellow citizens in the other States to sustain us in this necessary measure of protection? I believe, sir, that they will applaud and support this measure. I do not distrust the people of the North; I have confidence in their sense of justice. I do not despair of our own coun-



try; we shall rise superior to our present difficulties. Let us neither abandon the Constitution under which we live, nor the soil we cultivate, but strive to redress the defects of the first, and to develop the rich resources of the last.

Mr. Jno. L. Manning renewed his motion to lay the report and resolutions upon the table.

Mr. Gary requested the gentleman from Clarendon to give his reasons for making the motion.

Mr. Manning rose and spoke as follows :

SPEECH OF EX-GOVERNOR J. L. MANNING.

I suppose that no man is more illy prepared to discuss this point than I am this evening; but, having strong convictions, I will do so. The question seems to me, sir, to consist in this: Whether we, by this cumulative voting, shall be confined to one-third the power to which we are entitled. I, for one, am willing to bind myself by no such obligation. The history of the world shows us that the modifying influences of intelligence have their effects. This settlement of the question by the committee prevents any further discussion. To think that the people who controlled the Government of South Carolina from the time when it first became a colony—to think that they are to be confined to this one point, is a thought that seems to me is abhorrent to the mind of every enlightened man. It is a sort of declaration of weakness to the other element to ask them to yield their influence to control one-third of the State. The true interest, sir, of the people of South Carolina is to enlighten the whole representative mind in the State to enact laws for the benefit of the whole people. Whenever you restrict the mind of the individual people, you restrict the liberties of the land. It is by the homogeneous elements of the whole State only that the State can be formed. When you confine the action of a citizen by incorporation or restrict it by other means, you restrict the right of will and the right of action. The principles of human liberty are just as free, sir, as the air of God's heaven.

A compromise! No sir: There is a better voice to appeal to, and that is the voice of the world. Give us justice, sir, and equal laws, and you will have citizens who will obey the laws. I say for one, that of all the law-abiding people of the United States, this has been the most. It is the mal-administration of the laws that gives us all the trouble. There is no qualification to the sentiments I make. I will never compromise my rights as a whole for an inte-

gral part, let others modify their sentiments as they choose. Give us equal laws, and we would have proper representation; then will we have justice throughout the land, and every man may sit down under his own vine and fig tree.

Mr. Gary spoke in reply, as follows;

SPEECH OF GENERAL M. W. GARY.

*Mr. President:*

As the chairman of the committee which prepared and presented that report, through Mr. Thomas, one of its members, it may be expected that I should give my views. I would ask: Why have we gathered together from all parts of the State? Why have the wise men of the State met in counsel? From the fact that taxes have been levied by the present Legislature, which, in our impoverished condition, we are unable to pay. To say that these abuses of the Government have been effected by the Republican or Radical party, would be unjust, for it would be a gross misnomer to dignify those now in power by any party name. They are known by all honest men, North, South, East and West, irrespective of party alliances, as thieves and robbers; for they are not governed by, nor do they regard the principles and policy embodied in the platform of the Republican party. We have assembled then to take counsel against these abuses of power, to represent the intelligence and the tax-payers of South Carolina, and to enter a solemn protest against the past record of those in power. How can we reach the evils? It is known to all that the Legislature imposes the taxes. We must then seek to control the Legislature through its members. These are elected every two years by ballot. Then the first thing to be done is to petition them to repeal or modify the existing election laws, since they were notoriously enacted in behalf of fraud. The boxes are kept in the hands of the managers of the polls days and nights after the polls were closed, giving ample time to change or to stuff the boxes with fraudulent votes.

But we have a majority against us of 30,000 votes, and even if by a repeal of the present election laws, we could secure a fair election, this immense majority still remains. I am as far from surrendering my rights as any member of this Convention, nor am I willing to throw aside any principle. If we can secure a respectable minority in the Legislative body, do we not gain a stand point from which to work?

I am not here to discuss abstract theories of government; we

had enough of that in the days of Mr. Calhoun; but to meet a crying evil, to take a practical view of our anomalous condition; and I accept the cumulative system of voting in the same spirit that I would receive a half loaf as being better than no bread at all.

In presenting the report I do not think the committee intend to commit themselves as being in favor of universal suffrage. I am sure I did not. My friend, Mr. Trenholm, seems to have fallen into this error. He says: "The principle of universal suffrage is one that commends itself to the intelligence of every man; one that the statesmen of all countries have at times opposed in vain." I would ask what is Government organized for but the protection of the lives, liberties and property of its subjects? The protection of property is the third element in every republican form of Government, and if property-holders are taxed without representation, is not one of the essential elements for which Government is created, violated and disregarded?

Mr. President, my friend mistakes, in my judgment, the action of the English Parliament, and of the States of Illinois and Pennsylvania, as being evidences in favor of universal suffrage. To my mind they appear as indices to a retroactive movement against universal suffrage. When he says that "the statesmen of all countries have at times opposed, in vain, universal suffrage," I agree with him. Such is the fact; but when he tells me "the principle commends itself to the intelligence of every man," I again differ with him in toto. I have always regarded the cry for universal suffrage as that of the demagogue who is willing "to build his greatness upon his country's ruin." It is the watchword of the mere politician who has not patriotism and honesty enough to elevate him above a party platform. Those who have reached and aspire to a level above that of any party, their country's good, will have their names inscribed against this monstrous political fallacy. I do not believe that any one who has studied and become imbued with the philosophy of true Government, could ever lay his hand upon his heart and advocate universal suffrage. It is the subterfuge of the politician who caters to ignorant masses, for personal aggrandizement.

I did not propose to refer to National politics in this Convention, and I regret that any allusion should have been made to them, directly or indirectly. Nor did I intend to bring in review the principles of the recent revolution, for I am, for one, willing to let by-gones be by-gones. I am content to live without office and honors, for the principles for which our gallant living and heroic dead fought, *Constitutional Liberty*. I do not think it becomes us



to-day to refer to the past, but I must take this occasion to say that, in my judgment, the people of the North do not understand and appreciate the present sentiment of the best people of the South. Our prejudices against them are fast dying out, since slavery and secession, which were the irritating causes, are now dead issues.—The President and his administration, as well as Congress, labor under a grievous mistake in supposing that we are opposed to the present Government simply because it is under the control of Radicals, or Republicans.

It is not the fact. We are opposed to it, because it does not faithfully administer the laws, and from the fact that we are plundered under the forms of law.

Our people are an agricultural people, and do not mix a great deal in politics. Two-thirds of them scarcely know the difference between the platforms of the Democratic and Republican parties. But when their taxes are doubled in twelve months; when, from the low price of cotton, they are not remunerated for their labor, and are unable to pay their excessive taxes; and when they see, under the present form of the tax law, the sale of their lands by its terms and provisions, is equivalent to confiscation, are you surprised to hear the complaint of brave men, driven to despair, from the seaboard to the mountains? When they turn their eyes to the General Government for its protecting ægis, they are met by the assurance in high places: You are plotting treason, and do not deserve our sympathy or protection. When we look to our State Government, we are simply endeavoring to make terms with ignorant and uneducated thieves and robbers.

We have assembled then to give warning to the world that we will not be bound by the *future* acts of those who now misrule us. I do not know that any good will come from these resolutions. We presented them simply to respond to the suggestions of the Attorney General, as set forth in his recent letter, and also to the sentiments which we understand have been expressed by the Governor. If they are honest in their assertions, these resolutions may become the opening of a better and happier future for us.

I regret that I have been betrayed into the discussion of these resolutions. They were hastily prepared. And I regret that a want of preparation on my part may have done injustice to the importance of the subject.

I have simply attempted to give you a few of the practical views that influenced the committee in reporting them.

Mr. Cannon moved to refer the resolutions to the Executive Committee, and spoke as follows:

## SPEECH OF HON. G. CANNON.

I fear we have misunderstood the reasons for which we have assembled. We do not come here in opposition to any government, United States or State. We do not oppose any party. I acknowledge the reconstruction acts, and, for one, intend to obey them, as the law of the land. Let us look about and try to discover if there be evils. We are here to see if fraud does exist. I am glad to see that the assistance of State officials is tendered us. I hope that the account of this Convention will correct many false impressions that have gone abroad throughout the State. I regret that there should be violence in any portion of the State, and I hope that the members will use all their influence to preserve the public peace. More time is needed to examine into this system of cumulative voting. I, therefore, move that the resolutions be referred to the Executive Committee.

Mr. Warley moved to lay the motion of Mr. Cannon on the table, and spoke as follows :

*Mr. President :*

I have listened, with much pleasure, to the interesting and able report of the committee, and to the remarks of the gentleman from Richland (Mr. Thomas), in support of it. I have, also, listened attentively to the remarks of other gentlemen ; but, I submit, if the discussion is to take the range indicated, the sooner we vote upon the main question the better.

Mr. Chesnut called for the reading of the report again.

The report was read.

The Chair ruled that it was not parliamentary to refer the report of one Standing Committee to another Standing Committee.

The motion of Mr. Cannon was withdrawn.

Mr. Chamberlain spoke on the report and resolutions as follows :

*Gentlemen :*

I am aware, from the length of this debate, that the Convention are anxious to reach a vote on the subject. While I had hoped to have spoken upon it at some length, I shall better promote the object which I have at heart by confining myself to a few remarks.

We are here, if we are honest in our declarations, simply as citizens of a common State, and not as members of political parties. We are interested alike in the welfare of that State. My position here is peculiar, and, in many of its features, trying. On all sides I am surrounded by members of a political party to which I do not belong, and in coming here I have left behind me those with whom I have hitherto been associated in my political career.

But, anxious as I am to save the common peace and welfare of the State, I say to those who taunt me for my conduct, that neither they nor any one else can read me out of my political party, with which I have chosen to associate myself. Pardon me for saying again, however, that, outside of this Convention, I am a Republican, and it is because I desire to vindicate the decency of Republicanism that I am willing to hazard all political prospects in an honest effort to promote the cause of right, and to save the State.

In the first place, gentlemen, it is necessary to modify the absolute control which a mere numerical majority has obtained over the State, and to secure for intelligence and property a proper representation in the affairs of the government. And, looking about for some device which, without violence to the fundamental principle upon which our government rests, will bring relief from the grievances which afflict our people, I have fixed upon this system of cumulative voting, because it is not only just in its theory, but it will prove itself right in its results. It takes nothing from the rights of the majority. It gives them a predominating control, but not an absolute disposition of the entire fortunes of the State. Do you believe for a moment, then, when you put into an ignorant Assembly, many of whom can neither read nor write, forty-seven gentlemen, whom I might select in this body, that you would not shame them into decency, or frighten them from crime? [Applause.] Who does not know that the presence of one honest man puts to flight a band of robbers? Now, according to this system, you deny nothing which belongs to the majority, but, from the moment you place in the lower house forty-seven of your ablest citizens, bad legislation will cease, and good legislation will begin. Are the opponents of this measure on this floor so intense in their devotion to political ideas that they will refuse a proposition which gives to them a representation of one-third, and a corresponding influence in public affairs? I hope not; for when, by force of political success, they have gathered a majority of the State to their side, there will then be left to us who differ the same rights we are now according to them. Is it not fair, just, right? Its immediate results are relief from present grievances, and it points to the fu-

ture, where all interests, no matter what may be the political fortunes of the State, will be protected.

Now, I say to you, gentlemen, give us who have to do with making this practicable, something that we can honestly take back to our political associates, and, in the name of the property and intelligence of the State, secure this right. Let there be peace between us now, and prosperity hereafter. Strengthen our hands, who desire to do what in us lies, to make South Carolina safe for every man in his life, career and private interests. I say again, it is right. Grant it.

Mr. A. M. Lowry, from Chesterfield, renewed the motion to lay the report and resolutions upon the table.

The motion was lost.

The question then recurred on the adoption of the report and resolutions, which was decided in the affirmative.

Mr. Lowry called for the yeas and noes.

The call was not sustained.

Mr. Chesnut, from the Executive Committee, to whom was referred the resolution of Mr. Chamberlain relative to prevailing violences, made the following

#### REPORT :

The Executive Committee, to whom was referred the resolution of Mr. D. H. Chamberlain, of Richland County, directing the said committee "to inquire into the alleged violence now prevailing in the several counties of the State, and to report upon a plan for the execution of the laws against such violence and the better protection of all our citizens in their lives and property throughout the State," ask leave to report :

They have considered the subject with the deliberation its importance demands. They have learned with regret that violence has prevailed, to a greater or lesser extent, in several counties. But they feel bound to say with much satisfaction, that in by far the larger number of the counties of the State, not a single instance of such violence has been brought to their attention.

Bad government, corruption in high places, set the example of

moral decadence and disregard of law, which is often readily followed by those upon whom the laws are intended to operate.

Your committee are constrained to believe that larcenies and incendiarism practised by ignorant, deluded and bad men, suggested in many instances and encouraged by a class much worse and more responsible, were among the initial causes of the first cases of violence. Afterwards, it appears, there followed instances of corporeal punishments and homicides, perpetrated by unknown persons upon citizens, and even upon a few officials of the Government, who seemed to have become obnoxious to many in the communities wherein they lived, on account of supposed injustice, fraud and oppression. These are all lamentable truths, which the committee feel called on unequivocally to deplore and condemn.

Your committee believe that an effectual remedy for these evils will be found in good government—the removal of all dishonest, incompetent, and bad men from office; and the appointment thereto of men (no matter of what party), who are honest and competent and who feel the obligations which official station should impose, and who will promptly and faithfully execute the laws.

JAMES CHESNUT,  
Chairman Executive Committee.

The report was made the special order for to-morrow, at 12 M. Mr. Chesnut, from the Executive Committee, made the following

#### REPORT :

The Executive Committee, to which was referred a resolution to appoint a committee of five to confer with the Governor, as to the postponement of the collection of taxes, beg leave to report :

That they have considered the same, and recommend that the resolution do pass.

Respectfully submitted,

JAMES CHESNUT, Chairman.

Also, the following

## REPORT :

The Executive Committee, to which was referred a resolution, to report a plan to provide for the necessary expenses of this Convention, beg leave to report :

That they have considered the same, and recommend, that each Delegate deposit with the Secretary the sum of five dollars for that purpose.

Respectfully submitted,

JAMES CHESNUT, Chairman.

The reports were made the special order for to-morrow, at 12 M. Mr. Smart, from the Executive Committee, made the following

## REPORT :

Your committee, to whom was referred the resolutions, providing that the Executive Committee, with the President of this Convention, shall have it in charge to protect the interest represented by this Convention during the interval of adjournment, to keep in view the current legislation, and to call the Convention together at such time as they think proper, beg leave to report :

That they have had the same under consideration, and recommend its adoption.

Respectfully submitted,

H. C. SMART,

For the Executive Committee.

Mr. Chesnut, from the Executive Committee, made the following

## REPORT :

The Executive Committee, to which was referred the paper presented by Hon. C. W. Dudley, of Marlboro, beg leave respectfully to report :

That the paper has received the careful consideration of the com-



mittee ; that it has been amended, and in its amended form is now reported to the Convention, with the recommendation that it do pass.

Respectfully submitted,

JAMES CHESNUT, Chairman.

The delegates to the Tax-payers' Convention, now met and sitting in Columbia, S. C., desiring to be fully understood by their fellow citizens of this State and of the United States, declare :

1. That they meditate no resistance whatever to the Government of the United States, and intend, in respect thereof, to conduct themselves as peaceful and law-abiding citizens.

2. That we regard the reconstruction measures as finalities, and recognize them as a portion of the established laws of the land.

3. That we look to time and peaceful agencies only for the solution of any difficulties that now, or may hereafter, exist in the administration of the public affairs of this State ; and we entertain the hope that all the changes and modifications that may be desired in that connection will be effected by the quiet influence of an enlightened public opinion.

4. That the exigencies of the times demand from the people other efforts than those intended to promote the success of any " party ;" their true interests consisting in uniting with good citizens of any and all parties in advancing the welfare of every section of the State, and all classes of the people.

5. That certain measures of reform are essential to the peace and prosperity of the State. That prominent among these are :

I. The adoption by the Legislature of some method of voting which will secure a representation therein of a minority of the voters.

II. Retrenchment in the expenses of the State Government, by abolishing every office that could be dispensed with, reducing the salaries of public officers, and requiring strict economy in the administration of the several departments of the Government.

III. That the public debt shall not be increased ; and that His Excellency the Governor be requested to prevent, if possible, the



issue and negotiation of the bonds authorized by an act of the Legislature "to create a debt of the State of South Carolina to be known as the Sterling Funded Debt," &c.

IV. To be relieved from paying two annual taxes in one year, as is now most oppressively provided by law.

V. To have the various offices in the State filled by competent and trustworthy incumbents, so as to secure the prompt and efficient execution of the laws, instead of the mode now adopted of selecting them from the dominant party, without regard to their qualifications.

VI. Such an amendment of the law in regard to elections by the people, as will protect them from fraud either in the control or counting of the ballots.

VII. That the pay and mileage of members of the Legislature be reduced to the limits prevailing previous to the adoption of the present Constitution, and the duration of the sessions of that body be made to conform to the absolute necessities for legislation.

Believing that the principles above professed really actuate the great majority of the people, it is the purpose of this Convention to attain the ends above indicated, and such other kindred measures as may appear necessary hereafter, by such peaceful and legitimate means as comport with the duty of good citizenship, and not otherwise.

The report was made the special order for to-morrow at 12 M.

Mr. Aldrich, from the Executive Committee, to whom was referred the resolution of Mr. Aldrich, made the following

#### REPORT :

#### *Taxation and Representation.*

The Executive Committee, to whom was referred the grievance of taxation without representation in the taxing body, and to suggest a remedy for the existing evil, beg leave to report, that the present political and financial condition of South Carolina is a forcible and melancholy illustration of the evils resulting from taxation

without representation. The judicial investigations lately had in the United States Court for this District, prove beyond controversy that astounding frauds were practised in the late election, and demonstrate the necessity of a remedy. The theory of the Constitution is, that the people shall be fully and fairly represented, and provision is made in that instrument to protect minorities. Thus, in the House of Representatives, the whole body of the people is represented, and the majority rules. In the Senate, the States are represented, and the smallest State has an equal vote with the largest State. The one is intended to be a check on the other.—While the war lasted, passion took the place of reason, the States represented in the Senate set aside the Constitution, forgot their sovereignty, and blindly followed the lead of conquest. Since the war, the States that struggled for what they supposed was a constitutional right, have not been represented, their Senators have not been natives, or, if natives, not representative men, so that the check of the States, as represented in the Senate, has been entirely lost, and, of course, all legislation has been partisan, sectional and vindictive.

The same feature which characterized the congressional legislation was incorporated into our State government. The parish system which existed in our State Constitution before the war, operated as a check upon the legislation of the majority. The new Constitutions of '65 and '68 abolished that conservative element. Under the Constitution of '65 it is possible no evil would have resulted, because intelligence and property were equally represented; and all the voters belonged to the same caste. Under the Constitution of '68, however, a new element was brought into the voting power—men of a different race and caste, uneducated slaves, just emancipated, an impressible people, whose passions and prejudices could be easily excited, were suddenly clothed with the elective franchise, and made not only a power, but the controlling power in the State.

Considering our condition then, the result was inevitable. The newly enfranchised were not only jealous of their acquired liberty, but suspicious of the feeling and intentions of their late owners. They were ignorant of political affairs, totally uninstructed in the

science of government, and naturally turned to the men who had flocked here as birds of prey. It was equally natural for the native, respectable and intelligent white people, who had heretofore controlled affairs, to feel a supreme disgust, and to hold themselves aloof from this mass of ignorance and vice.

It must also be remembered; that all the gentlemen in the State, of experience, patriotism and virtue, were laboring under the political disabilities of the reconstruction acts, which prevented them from taking part in legislative proceedings. But time and its healing influences have shown to the colored people that the white people have no disposition to deprive them of any of their rights, civil or political, that have been conferred on them. It has proved to the white people that the colored citizens generally feel no enmity against them; are not disposed to oppress them, and are willing, if not anxious, to avail themselves of their learning, experience, virtue and patriotism. It has also proved to the adventurers, white and colored, that the eyes of the *native colored people* are open to their selfishness and rapacity. Having arrived at this conclusion, the question is, how can we avail ourselves of the power of this native element and get rid of the bad influence which has heretofore controlled it, using the colored people as mere voting chattels to plunder and ruin this devoted State. They need and desire the virtue, intelligence and experience of the native white people. The white people cannot maintain the ancient virtue, dignity and honor of this old State, unless the native colored people will co-operate with them. The corruption of the State Government is notorious; bribes are openly offered to and received by Senators and Representatives; high officials are engaged in speculating in stocks and bonds of the State. All these great crimes are being perpetrated freely here, in the Capital, and there has not been the first prosecution commenced to prevent them. In a word, the ancient honor of the proud old State is lost and gone. Every white man and every colored man who is a native South Carolinian, must deplore this disgraceful and humiliating condition.

Your committee believe that the public mind is ripe to correct this evil and cure this disgrace, they therefore propose the following resolution :

*Resolved*, That we recommend to the Legislature the passage of an election law, by which the 60,000 tax-paying voters will have a proportionate representation in the Legislature of the State, with the 90,000 voters who pay no taxes; a proposition so just, reasonable and conscientious, cannot fail to recommend itself favorably to every right-minded citizen.

The report was made the special order for to-morrow at 12 M.  
The Convention then adjourned till to-morrow at 12 M.



## THIRD DAYS PROCEEDINGS.

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THURSDAY, MAY 11, 1871.

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PURSUANT to adjournment the Convention met at 12 M., the President, Hon. W. D. Porter, in the chair.

The President announced the Convention ready to proceed to business.

The Secretary read the journal of yesterday's proceedings, which on motion, was confirmed.

### SPECIAL ORDERS.

The Convention proceeded to the consideration of the special order for to-day at 12 M.

Report of the Executive Committee on resolution relative to expenses of the Convention.

The report was adopted.

The Convention proceeded to the consideration of the second special order.

Report of the Executive Committee on resolutions of Mr. Dudley on the objects of the Convention.

The report was adopted and the resolutions as amended agreed to.

On motion of Mr. Butler, from Edgefield, the further consideration of special orders was suspended.

Mr. Butler asked and obtained unanimous leave for the Committee of Eleven to sit during the sessions of the Convention.

The Convention resumed the consideration of special orders.

The third special order was taken up for consideration.

Report of the Executive Committee on the resolution of Mr. Chamberlain, regarding violences in certain counties of the State.

The report of the committee was adopted.

The Convention proceeded to the consideration of the fourth special order.

Report of the Executive Committee on resolutions giving power to the Executive Committee to re-assemble the Convention.

The report was adopted.

The Convention proceeded to the consideration of the fifth special order.

Report of the Executive Committee on the resolution of Mr. Simons to appoint a committee of five to wait on his Excellency the Governor to secure a postponement of the November tax.

The report was adopted and the resolution agreed to.

The Convention proceeded to the consideration of the sixth special order.

Report of the Executive Committee on the resolution of Mr. Aldrich, relative to taxation without adequate representation.

The report was adopted.

#### REPORTS OF COMMITTEES.

Mr. Chesnut, from the Executive Committee, to whom was referred the resolutions of Messrs. Smart and Chamberlain, made the following

#### REPORT.

The Executive Committee, to whom the resolutions of Mr. Smart and Mr. Chamberlain, in relation to the accounts of the State with the Financial Agent, &c., were referred, ask leave to report:



That the subject matter of these resolutions having been referred to the Committee of Eleven, the committee ask to be discharged from the further consideration of the subject, and that the resolutions be passed to the said Committee of Eleven.

Respectfully submitted,

JAMES CHESNUT, Chairman.

The report was considered immediately, adopted, and the resolutions referred to the Committee of Eleven.

Mr. J. H. Screven, from the Committee on Election and Suffrage Laws, to whom was referred the resolution, relative to memorializing the Legislature on repeal or modification of existing election laws, made the following

#### REPORT.

The Committee on Elections and Suffrage Laws, to whom was referred the resolutions, as to the expediency of memorializing the Legislature for the repeal or modification of the existing election laws of South Carolina, respectfully report:

That they have given the subject the earnest consideration which its importance demands. The committee recognizes in the present mode of counting the ballots the fruitful and original source of present political troubles; creating distrust in the minds of law-abiding citizens, on account of the power of the custodians of the ballot-box to defeat, by fraud, the intent and sovereign rights of the electors. Recent developments, and convictions of high officials at Charleston, in the United States Court, after patient, laborious, and expensive trial, confirm the apprehensions and convictions of the citizens, as to the absence of security for the future purity of the ballot-box.

Your committee are familiar with the conservative conduct of elections and safeguards of the ballot under the old laws of the State. Parties of any political complexion felt assured of the honest result of every election, so firm was their knowledge of the inviolability of the ballot-box in former times. The present sys-

tem invites conspiracy, and opens wide the door to the perpetration of every fraud. When the high sheriff of a county, whose powers are second only to those of the chief Executive of the State, has been convicted in the metropolis of the State by a jury of his choice, in a forum removed from local prejudices and bias, it is full time for the citizens to sound the alarm, and memorialize the legislative power for relief.

To this end, this committee recommend the reference of this report to the Executive Committee for further action :

To confer with the Governor, and invite his co-operation in a memorial to the Legislature, at its next regular session, for such changes in the present election law, and especially in such parts thereof as relate to the custody of the ballot-boxes for the period of ten days after elections, before the count is declared.

J. H. SCREVEN,  
For Committee.

The report was considered immediately, adopted, and referred to the Executive Committee.

Mr. Greenfield, of Richland, introduced the following resolution, which was referred to the Executive Committee, under the rule :

WHEREAS, By a joint resolution, dated March 26th, 1869, a committee was appointed from the Senate and House of Representatives for the purpose of investigating irregularities in the election in the Third Congressional District; and whereas, it is believed that a larger amount has been drawn from the Treasury than has been properly accounted for, be it, therefore,

*Resolved*, That the Executive Committee be instructed to inquire into the matter, with a view of determining what action should be taken in the matter, if any.

The Convention took a recess until 4 P. M.

## EVENING SESSION.

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The Convention re-assembled at 4 o'clock, the President, Hon. W. D. Porter, in the chair.

The President announced the Convention ready to proceed to business.

The President announced the following Committee of Five, under the resolution of Mr. Simons, to wait on the Governor, to secure postponement of taxes :

Messrs. T. Y. Simons, W. M. Shannon, M. L. Bonham, James H. Giles, J. P. Richardson.

### REPORTS OF COMMITTEES.

Mr. Warley, from the Executive Committee, to whom was referred the resolution to inquire and report on execution of mortgage of the Blue Ridge Railroad to Henry Clews and others, made the following

#### REPORT :

The Executive Committee to whom was referred the resolution to inquire and report "upon what terms and for what consideration the making and execution of the Blue Ridge Railroad Company, and other Companies, of a mortgage to Henry Clews, Henry Gourdin and George S. Cameron, to secure the payment of certain bonds, was ratified and confirmed by the Legislature; and the said mortgage declared to be a lien prior to that of the State on all property described in said mortgage, and on the entire line of the Blue Ridge

Railroad, and on all other properties of the several Companies, or which they, or either of them may hereafter acquire ;" and also to report " what action, if any, can be taken by this body to prevent the subordination of the State's lien upon the Blue Ridge Railroad and the entire properties of the other Companies, to junior claims of private individuals," beg leave to report :

That upon a careful examination of the act of the Legislature, we can reach but one conclusion : That, for some reasons unknown to your committee, the Legislature has, without consideration, relinquished to private individuals, the State's lien upon the Blue Ridge Railroad, and the entire properties of the other Companies (styled companies in the act), the Greenville and Columbia Railroad Company. Such dealings by Trustees with the property or funds of their cestui que trust, can only be the result of fraud, are unauthorized by law and are void.

Your committee need not dwell upon the poverty of the State and her utter inability to enrich private individuals or corporations by such munificent gifts ; or upon the fact that legislators, however generous they may be, are not authorized to devote public funds to the use and benefit of their friends or patrons.

As to the second branch of the resolution your committee can suggest no better plan as a remedy, than is embraced in the following resolution :

*Resolved*, That the Tax-Payers' Convention, relying upon the high legal attainments and recognized patriotism of Messrs. Porter & Conner, Counsellors at Law, request them in the name of those whom they represent, to give the matter of this report their careful consideration, and, if in their judgment it be practicable, to take such steps as are necessary to prevent, by due process of law, the consummation of this fraud upon the property-holders of the State.

*Resolved*, That copies of this report and the original resolutions be officially communicated to Messrs. Porter & Conner.

Respectfully submitted,

F. F. WARLEY,  
For Executive Committee.

Mr. Warley spoke as follows in support of the report and resolutions:

SPEECH OF MAJOR F. F. WARLEY.

*Mr. President :*

We have assembled for the purpose of ferreting out and exposing fraud, and to attempt to check it. While much has been said of the sufferings of the State; of the unjust measures which have been enacted; of unblushing corruptions and undisguised frauds; not one word, sir, has been uttered in condemnation of the authors of these frauds in legislation and of this corruption, which calls so loudly for correction.

Had not Satan entered the garden as a tempter, our parents would not have sinned. And it is worthy of remembrance, that when the curse fell upon the tempted, it was coupled with a promised blessing; but, to the tempter, it was unmixed with hope. There is no sin uninduced by temptation; there can be no corruption without corruptors; and we fail to discharge the duty we owe to those who sent us here, if we do not endeavor to seek them out. The Legislature of South Carolina, ignorant as it is, could not have been bribed without money: that money must have been furnished from some source; that source, it is our duty to endeavor to discover.

We should, in this matter, "cry aloud and spare not." We should, if we would faithfully discharge our duty, ferret out the guilty, and drag them to the bar of public opinion, as well as to the bar of public justice. When we evince a determination to do this, we will have commenced the purification of our government; and if we persevere in the effort, the day will soon dawn when we may say to an oppressed and ruined people—"Fly not, stand still; corruption's debt is paid."

I fear, Mr. President, that our suffering, heart-broken and impoverished Mother, has not been the victim of strangers alone. That it is not only the deservedly-abused carpet-bagger, who revels amid luxuries purchased with money stolen from her. If we could tear the hands of the spoiler from her emaciated person, methinks the rings upon the fingers of some would declare them members of our household. For one, I am not afraid to denounce such men, in plain and unmistakeable language, simply because they are "native here and to the manner born;" for, in denouncing them, I am discharging a solemn duty, which I owe to my poor, ruined country.

In this report, we grapple, not with the Legislature alone; we grapple, besides, with two powerful and influential corporations; two corporations which have been so constantly about the Legislature, that the names of the three are intimately associated in the minds of all. Like Lazarus, they have laid at the rich man's door and have craved the crumbs which fell from his table; the rich man's dogs have, time and again, licked their sores—here the parallel ceases, for these beggars have not yet died. This contest may seem unequal; but, sir, I am encouraged by the fact, that I am advocating honesty, justice, and truth; and opposing fraud, speculation and theft. And I am encouraged, boldly to take hold of the flimsy drapery which hides the hideous deity of corruption from the public gaze, and expose him in all his deformity; as well as his priests, his votaries, and his worshippers. And this I intend to do.

Now, sir, I desire to disclaim here all prejudice against any corporation within the State; nor am I the blind partisan or paid advocate of any. I approach the discussion of the subject matter of the report of your committee free from prejudice, but with a firm determination faithfully to discharge what I conceive to be a high public duty; and I hope to be able to do so, not only faithfully, but fearlessly; asserting as I now do, that I claim no exemption from personal responsibility.

It is known, Mr. President, that during the session of the last Legislature, measures were introduced into both Houses, looking to the benefit of the Greenville and Columbia Railroad ring (for it had ceased to be a company), and at the same time to the destruction of the Blue Ridge Railroad Company. I desire, in this connection, to refer more particularly to Mr. Whittemore's bill to withdraw the endorsement of the State from the bonds of the Blue Ridge Railroad Company, to the amount of four millions of dollars. The passage of this bill would have been a death-blow to this company. It may be, and it probably is the truth, that to save itself this company associated with that mass of corruption, the Greenville and Columbia Railroad ring, the instigator and principal agent in the stupendous fraud which resulted from the association. Am I to be told that under such circumstances the managers and officers of the Blue Ridge Company were justified in resorting to deception, bribery and fraud? This may furnish a *reason*; but it supplies no *excuse*.

When this particular act of legislation was engaging the attention of the Legislature, the officers of the Blue Ridge Railroad Company came here prepared, by fair means or foul, to defeat it. Its defeat would render nugatory a measure in the House which, in contemplation of the passage of Mr. Whittemore's bill, was intend-



ed to benefit very materially the Greenville and Columbia ring. Thus while the Blue Ridge Company, by defeating the bill, would save itself, it would strike its old enemy, its life-time foe, severely. The President of the company asserted, when before your committee, that he came prepared to spend a half million of dollars to defeat the bill; and more than that, he has boasted in our presence that he did defeat it by bribing State Senators, one or more. The Blue Ridge Company not only entered into bad associations for bad and corrupt purposes, but had shown itself capable of proving a valuable ally in any enterprise in which success depended upon corruption and fraud. These companies engaged in a common cause, and must share in common the opprobrium which attaches. And, Mr. President, just here let me observe, if the Blue Ridge Railroad Company, which has been fostered by the State, has engaged in corrupting the Legislature and robbing the Treasury, am I not right in saying that it is time for us to inquire who are the corruptors of our public officers and law-makers?

What next? We find the Blue Ridge Railroad coalescing, confederating with the Greenville and Columbia ring; a ring which, at that time, had a record that the very smokes of hell could not render darker or more disgusting; a record which is no clearer to-day than it then was.

But the Greenville and Columbia Railroad Company also has a history. Certain men, well known to this Convention, acting as agents for a ring of speculators, had by deception and misrepresentation, purchased the stock held by private individuals at a nominal price. The Governor, by authority of the Legislature, then sold the State stock in this company to the same "ring," in which high State officials are the chief jewels. I have authority for saying that money to make these purchases was raised by hypothecating State bonds. So, then, the corporation known as the Greenville and Columbia Railroad Company passed into the hands of private individuals who never paid out of their own pockets one cent for the stock, and became, what it yet is, a disreputable ring of State officials, carpet-baggers, scalawags and bankrupt stock jobbers.

Both of these corporations were in trouble. On the one hand, the Blue Ridge Railroad Company could raise no funds on the faith of the State's endorsement, because the conditions of that endorsement restricted them to selling the bonds at or above *par*. On the other hand, the Greenville and Columbia ring was powerless to raise money, because there was an existing lien in favor of the State, on its whole property, and upon all property it might acquire.

Such was the condition of things when these corporations con-



federated to defraud the tax-payers of the State, and mutually to enrich themselves. What was their scheme? To quit fighting each other, and to unite their influence and their money to secure the passage of an act based upon a proposed consolidation, by which, but *without* consolidation, each would get what it wanted. The Blue Ridge Railroad Company would secure the privilege of selling its endorsed bonds at any sacrifice; and the Greenville and Columbia ring, by the subordination of the State's lien to the claims of private individuals, would be enabled to raise \$1,500,000, as the fruits of their purchase made with public funds, as I have already shown.

To accomplish this end, to consummate this scheme of fraud and villainy, they concoct the extraordinary Act of Assembly which has provoked this investigation. Gentlemen of the Convention, some of you have been familiar with legislation in South Carolina for many years; I see around me some, who legislated for the commonwealth in connection with Cheves, Hayne, McDuffie, Calhoun, and a host of others, whose names are household words about our desolated fire-places of to-day; I say to you: Read this act, and I venture, with your long experience, you will pronounce it the most remarkable piece of legislation ever brought to your attention. The two corporations go before the Legislature, and represent the great advantage and the many blessings which will result to the State, as the consequence of their consolidation; and they ask the Legislature, in view of the many public advantages to result therefrom, to grant them certain favors. What they wished I have already stated. Just allow me to add here, that their modest request involved the subordination by the State, of her first lien upon their respective roads, for amounts exceeding six millions of dollars, to the junior claims of private persons. This act is prepared, passed and ratified. All that these corporations ask for is given; not however upon the consolidation being actually effected; but to use the words of the act, "in view" of the proposed consolidation, these great favors are granted by legislative enactment.

Those of us who are lawyers, know that a law without a penalty is an anomaly in legislation. Yet, mark you, while all the benefits of this act accrued to these corporations by virtue of its passage, the penalties do not attach until *after* the consolidation. It is an established fact, that this consolidation will never take place; that it was never contemplated by the parties to this fraud; and that the Greenville and Columbia Ring are now negotiating a sale of their road to the South Carolina Railroad Company. In other words, this is a law without a penalty. Now, gentlemen of the Convention, is not the fraud of these corporations fully exposed?

Have they not combined and, by fraud and deception, used the Legislature to enable them to rob the tax-payers of the State?

But, sir, the Blue Ridge Railroad Company puts in two pleas. Avoiding, entirely, the questions of fraud, it answers, first: The lien of the mortgage of Crews & Co. was superior to the State's lien prior to the passage of the Act. For, say they, the State's lien grew out of its statutory mortgage, under which the lien attached upon the Comptroller-General endorsing the bonds of the Company: but, for some reason, this endorsement was not made, until after the mortgage to Crews & Co. had been executed and recorded. Without stopping to inquire how this *happened*, we need only ask: If you really think the lien of the State is, by force of law, inferior to that of Crews & Co., why did you have the contrary declared in the Act? This piece of duplicity is one of the many badges of fraud with which the Act abounds. Secondly: They say, "The State's lien was under and by virtue of a statutory mortgage and, of course, attaches only to the fifty-six miles of road within the State. So, after all, the State relinquishes very little to us." True; but they forget the further gifts of the Act: the privilege of selling \$4,000,000 of bonds at any price they please. But, sir, he who will steal a pin will steal a sovereign. Fraud does not consist in the amount stolen, but, in the principle of morals which is violated.

But, it may be urged, that the Blue Ridge Railroad Company is made to figure too prominently in connection with this fraud. I have only to answer: if any undue prominence has been given to this Company, it may be attributed to the language used by its President and Attorney before your Committee.

Allow me, sir, before concluding, to remark: That the sins of the Greenville and Columbia ring were familiar to the officers of the Blue Ridge Railroad Company; some of them were bound up in the peculations and speculations of that delectable set of stock jobbers and swindlers; they were peculiarly interested in their financial prospects, and they are so to-day. They knew that these men had spent the money of the State to advance their private ends. I care nothing about the tricks of trade or the rules of financiering. This I know: That he who spends the money of another for his own purposes, is, morally, a thief. He who makes common cause with thieves, has no reason to complain, if he be regarded as a thief; and we know that he is, of necessity, one.

If I have spoken earnestly, Mr. President, it is because I feel deeply the wrong which has been inflicted on the State by, in part, her own sons. If I have used language which seemed harsh, it has been in the endeavor to express, to some extent, my utter abhor-

rence and contempt for that false system of morals, which makes the ends aimed at justify the means used; which makes the amount of condemnation and the extent of punishment visited upon crime, depend upon the wealth and so-called social position of the criminal. I scorn the idea that the rich man in his glory, and the mighty man in his power, may indulge in crime with impunity and be passed by the world with a smile of recognition; while the poor tool he uses, is consigned to prison and made the associate of felons. If I have displayed zeal and ardor in this exposure of fraud and vice, it is because I would save the State, not from ignorant and corrupt legislators, so much, as from rich, aspiring and unprincipled men, some of them, imported it is true, but many of them degenerate and unworthy sons of that noble, though now impoverished, mother whom they rob.

The report was considered immediately and adopted, and the resolutions agreed to.

Mr. Butler from the Committee of Eleven stated that that committee would not be ready to report before to-morrow.

Mr. Warley moved that when the Convention adjourn it adjourn to meet to-morrow at 10 A. M.

Carried.

Mr. B. H. Wilson introduced the following resolution:

*Resolved*, That the Executive Committee be increased by adding the names of John L. Manning, M. L. Bonham and A. Burt thereto.

The resolution was considered immediately, and agreed to. \*

Mr. James A. Hoyt introduced the following resolution:

*Resolved*, That the report of the Committee on Election and Suffrage Laws adopted by the Convention be placed in the hands of a special committee of seven members of this Convention, whose duty it shall be to transmit the report as a memorial to the Legislature on the subject of proportional representation, accompanied by such suggestions as they may deem advisable in order to secure the passage of a law at the earliest practicable moment after the Legislature is convened, that the system of cumulative voting may be

made applicable to the next general election, and that the principle may be engrafted in general upon our system of suffrage ; and further, that this special committee be instructed to use their best exertions in favor of the passage of this just, wholesome and equitable provision, so as to bring about a full and complete representation of all the people, and the protection of their rights and interests of persons and property in every respect.

The rule was suspended, and the resolution considered immediately and agreed to.

The Convention then adjourned till to-morrow at 10 A. M.



## FOURTH DAY'S PROCEEDINGS.

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FRIDAY, MAY 12, 1871.

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PURSUANT to adjournment, the Convention met at 10 A. M., and was called to order by the President, Hon. W. D. Porter.

The President announced the Convention ready to proceed to business.

The Clerk read the minutes of yesterday's proceedings, which were confirmed.

The President announced the following committee:

### COMMITTEE ON CUMULATIVE VOTING:

*( Under the resolution of Mr. Hoyt. )*

James A. Hoyt, D. H. Chamberlain, M. W. Gary, Edwin J. Scott, W. H. Wallace, B. H. Wilson, Henry Gourdin.

The President requested those delegates who had neglected to enroll their names to do so at the Clerk's desk.

The following additional delegates appeared and enrolled:

*Colleton County.*—J. J. Fox, J. K. Terry.

Mr. Chesnut, from the Executive Committee, to whom was referred certain resolutions, in reference to the Sterling Loan, made the following

## REPORT :

The Executive Committee, to whom was referred certain resolutions, in reference to the Sterling Loan, and obligations which may hereafter be created, beg leave to report :

That they have considered the same, and recommend their adoption, in the following form :

*Resolved*, That this Convention, representing the property-holders and tax-payers of the State of South Carolina, do hereby deem it our duty to declare, that the so-called Sterling Loan, or any other bonds or obligations, hereafter issued, purporting to be under and by virtue of the authority of this State, as at present constituted, will not be held binding on us ; and that we recommend to the people of the State, in every manner and at all times, to resist the payment thereof, or the enforcement of any tax to pay the same, by all legitimate means within their power.

*Resolved*, That we deem it our duty to warn all persons not to receive, by way of purchase, loan, or otherwise, any bond or obligation hereafter issued by the present State Government, or by any subsequent government, in which the property-holders of the State are not represented, purporting to bind the property or pledge the credit of the State ; and that all such bonds or obligations will be held to be null and void, as having been issued in fraud and in derogation of the rights of that portion of the people of this State, upon whom the public burdens are made to rest.

*Resolved*, That a Committee of Five be appointed by the President of the Convention, to investigate and report a plan to restore the credit of the State, and to confer with the representatives of the " Fire Loan Securities " of the State, which have been practically repudiated by the State authorities, with a view to repair the damage to the good faith and honor of the Commonwealth, by influencing an early liquidation of these obligations.

The report was taken up for consideration, and the resolutions considered as a whole. The report and resolutions were adopted.



Mr. Chesnut, from the Executive Committee, to whom was referred the resolutions of Mr. Adams, of Richland County, in reference to taxation without adequate representation, made the following

REPORT :

The Executive Committee, to whom was referred the resolution of Mr. Adams, of Richland, in reference to the collection of taxes for the year 1871, beg leave respectfully to report :

That having already considered and reported upon the subject matters therein embraced, they ask leave to be discharged from their further consideration.

The report was taken up for consideration, adopted, and the committee discharged from the further consideration of the resolution.

Mr. Chesnut, from the Executive Committee, to whom was referred the resolution of Mr. Aldrich, of Barnwell, to appoint a committee of five to prepare and print a truthful statement of the condition of the State now and since the war, made the following

REPORT :

The Executive Committee, to whom was referred a resolution to appoint a committee of five to prepare a report of the condition of the State now and since the war, beg leave to report :

That they have considered the same, and recommend that the committee be raised for that purpose, and that the following gentlemen compose the same, viz: Messrs. A. P. Aldrich, Armistead Burt, J. L. Manning, M. C. Butler, W. D. Porter.

The report was taken up for consideration, adopted, and the committee so appointed.

Mr. Aldrich, from the Executive Committee, presented the following resolution :

*Resolved*, That the Hon. Mr. James Chesnut, of Kershaw, be appointed with Messrs. Porter and Conner in discharging the duties assigned to these gentlemen by a report adopted yesterday.

Mr. W. H. Trescott moved the following resolution as an amendment :

*Resolved*, That the gentlemen to whom has been referred for their legal opinion the question, whether the Legislature of the State has the right to postpone the statutory lien of the State upon the Blue Ridge Railroad, to the lien created by the mortgage of said company to Messrs. Henry Gourdin, George S. Cameron and Henry Clews, trustees, under and by virtue of the act of 1868, be requested to prepare and publish their opinion at the earliest practicable opportunity.

On the amendment Mr. Trescott made the following remarks :

SPEECH OF MR. TRESCOTT.

*Mr. President :*

I avail myself of the privilege which has been extended to me by your resolution inviting me to a participation in your deliberations, to move an amendment to the resolution just read.

*“ Resolved*, That the counsel to whom has been referred for their legal opinion the question, whether the Legislature of the State has the right to postpone the statutory lien of the State upon the Blue Ridge Railroad, to the lien created by the mortgage of said company to Messrs. Henry Gourdin, George S. Cameron and Henry Clews, trustees, under and by virtue of the act of 1868, be requested to prepare and publish their opinion at the earliest practicable opportunity.”

I feel, I confess, some embarrassment in submitting my reasons for the passage of this resolution, an embarrassment arising not from its subject, but from the character of the body to whom it is submitted. I had been under the impression that this was an assembly of private citizens, who, bound together by common interests and sympathies, had come together for the purpose of exchanging

ing opinions and information, of consulting with all the frankness of old association and long established confidence upon the condition of the State to which we all belong. But the action of yesterday, if it means anything, implies a great deal more. It means that the body, without legal existence and irresponsible, intends to take charge of the public and private interest of State—that, without the means of adequate investigation, they assume to approve or to condemn, to create or destroy. Whether this is to be done by the inherent authority of the body, or whether its decrees and behests are to be carried out formally by an arrangement with the nominal State Government, I do not know—I do not propose to inquire. I know this, however, that it is the first step in a very dangerous path, and it can make no difference how respectable are the individual elements of a body, without the form and authority of law, when such a body begins to legislate, it is the first step to social anarchy.

But, Mr. President, I do not propose to undo the action you have initiated; I do not even ask you to re-consider what I think unwise; but I do ask that you shall not make it unjust, and stopping just where you have stopped is unjust. What was that action?

In this State there is a corporation, which has under its charge an enterprise which, for nearly half a century, has been cherished by the people of South Carolina with persevering and hopeful assiduity—an enterprise in whose inception was sacrificed the life of one of the noblest and purest of your statesmen—him whose effigy, in the better days of your commonwealth, you placed upon portals of your Capitol, as the emblem of public honor and integrity, that your legislators, as they passed beneath the shadow of his fame, might carry with them to their daily duties the memory of his life, aims and deeds. From the days of General Hayne, until to-day, the State has never stinted her aid, and his successors have labored through good and evil report, through difficulties almost insuperable, through embarrassments scarcely conceivable, to complete that great work—that direct communication with the West—upon which the future prosperity of this State depends—the prosperity, especially, of that metropolis, once the pride of Carolina, and whose piteous cry of oppression and despondency has assembled you here to-day. Well, in the progress of time, in the process of its work, the President and Directors of that corporation have deemed it judicious to ask of the Legislature certain legislation—what the character of the legislation is, I will discuss directly; at present, I confine myself to this simple statement—that they asked and obtained legislation which they deemed advisable for the use of the securities which the State guaranteed, and which guarantee,

remember you, has been neither impeached nor directly discredited. Upon the faith of the Legislature, that corporation has gone upon the market for the negotiation of these securities. What do you now propose to do? You adopt a report containing certain statements, and a resolution calling for the legal opinion of eminent counsel, by which you mean, with all the weight which your authority carries, to say to the world that you believe this legislation to be invalid. Of course, to the extent that your opinion so expressed carries weight, you mean to discredit, and do discredit, the bonds of the Blue Ridge Railroad Company. Now, it makes no difference that the legal point you make is, practically, of very small importance—that if you had not a legal opinion, but a legal decision of the Supreme Court, it would not effect the value of the bonds, would not remove the guarantee of the State, would not prevent their negotiation, and would not in the slightest degree relieve the State or lessen the burden of the oppressed tax-payer, in whose interest we are told this action is taken. While this is true, still the expression of your opinion taints and discredits the bonds to this extent—mark what I say—to this extent: That they become more easily the prey of speculators—that is all. You do not and cannot prevent the sale of the bonds, but you enable the stock-jobber to speculate upon the necessities of the Company, and buy that cheap which the State will have to redeem. Gentlemen, is this common sense? Do you wish that the Blue Ridge Railroad should be abandoned? If so, there is a wiser and better and surer mode of proceeding. If you, representing as you so completely do, the property, the character, the intelligence, and the patriotism of the State, wish the road abandoned, who wishes to build it? It is the State's enterprise—for years the pet project of the State. No words of mine can describe its value: no zeal of mine can vindicate its importance with one-tenth of the fervor displayed, year after year, session after session, by the gentlemen who set around me. If, then, you wish it abandoned, say so: make provision for the payment of its small but honest indebtedness, and, my word for it, the four million of bonds will be surrendered to the State, not one missing, not one sold, not one stolen. But, if you do not mean this, do not take action which, by simply crippling the enterprise and discrediting the bonds, puts them in danger, from which they are to-day exempt.

What, then, do I ask you to do, in common fairness and in view of the action which you have already taken? Simply this: You are about to adjourn. You have by this resolution expressed your doubt as to the validity of this legislation. Do not leave that doubt unsolved to prejudice our rights. Settle it now at once; do

not adjourn and leave it uncertain and indefinite. You have selected certain counsel, none better. I do not know that they will assume the responsibility thus thrust upon them. Let us know it. For, recollect, if that opinion confirms ours, if this, and this only, is the objection you have to the legislation in question, then, if the decision of the arbiters you have yourselves selected is in our favor, your resolution becomes approval, instead of censure. Your opinion is strength to our bonds, and not weakness. The bonds of the company are now, to a limited extent, held as collateral for a small loan, required by the necessities of its work, and negotiations are pending for the sale of the bonds. If you are right, and the priority of the State lien is to be restored, let us know in time, for it will be no embarrassment, if once distinctly understood, to the negotiation. If we are right, learn it yourselves, and withdraw all unnecessary interference with the business of the company.—This is but common justice, and to this demand I will not anticipate a solitary objection.

And here, Mr. President, I might stop. But, whatever may be the impression or prejudices or convictions of those who surround me, I have no apprehension that I will be denied a fair hearing by a body of South Carolina gentlemen. The publication of your report and resolution will give a color to this legislation which, I think, unjust to the President and disadvantageous to the interest of the company. I propose, very plainly and briefly, to tell what I know of its history. I do it with reluctance, and with reluctance only, because I am the Solicitor of the road, and because, whatever may be the personal kindness towards me of the members of this Convention, and looking around upon the familiar faces of so many whom I will venture to call my friends, I feel assured of that kindly feeling—yet I cannot but feel that what I may say will naturally be supposed to be colored by the pride of professional opinion and the interest which I have in the success of the corporation which I serve. But, while I am responsible only for my legal advice to the body, I have been thoroughly familiar with the difficulties that beset its administration, and more than that, I am the personal friend of its President. I know his troubles, his labors—above all, I know his character; and while I would have preferred that he should be vindicated by some one of those whom I see around me, the friends of his boyhood, his colleagues in the House and Senate, his associates for years upon the Board of Direction, the men under whose advice, and by whose assistance, he applied, in 1868, to the Legislature for the guarantee of these bonds now under discussion, I feel it my duty to place before you, what he has not the privilege of doing, a plain history of this legislation, the cause which render-

ed it necessary and what I believe to be the true character and consequences of its provisions. I shall confine myself to what I know.

I regret that I shall be obliged to refer to the Greenville Road, but I do not propose to denounce its present owners. They are responsible men, let them bear the burden of their offence, or clear them of the charge of offence. The Blue Ridge Road found the Greenville Road, a neighbor, with whom its relations must be friendly or hostile, and I can say, with truth, they were not friendly. The Greenville Road, in pursuit of its own policy, and in conformity with its own system of morals, desired and determined to appropriate the four millions of bonds belonging to the Blue Ridge Road. For that purpose its friends prepared a bill, setting forth that the Blue Ridge Road could not be built, for a Western connection from Greenville or Spartanburg was better, and authorized the Greenville Road to take up the indebtedness of the Blue Ridge, and then appropriate its four million bonds to the repair of its own road and the completion of the amended connection. Upon learning this intention, General Harrison had a conference with its projectors, and refusing altogether on any terms to abandon the Blue Ridge, offered such opposition as upon rejection induced its friends to give up the project. Scarcely had he left Columbia than he was recalled by the intelligence that a new scheme of attack upon his bonds was contemplated. The new plan was this: A bill was introduced into the Senate cancelling the State endorsements upon the Blue Ridge bonds, while another bill was introduced into the House by which, upon the ground that the State was thus relieved of four million of liability, a new guarantee was given of four million to the Greenville Road—these new guaranteed bonds were authorized to be converted under the conversion act into State bonds. I will not characterize this legislation. It needs no adjectives. When General Harrison reached Columbia, the House bill had passed three readings, and the Senate bill two. His duty both to the road of which he was in charge, and the State, forbid him to allow such acts to become law, without any effort at defence. Why, if the bill cancelling the endorsement of the State had passed, if, as it proposed, the existing indebtedness of the road was paid, what would it have cost the State, not in remote liability, but in actual cash? A just mortgage debt, with accrued interest of something over two hundred thousand dollars, advances secured by the bonds as collateral to between two and three hundred thousand more, the damages claimed by the contractor upon a contract of one million and a half, broken and abandoned, and if he had been base enough, anything more which he might choose to add as the recompense for his consent.



He resisted the bill; he defeated the bill, and when the bill in the Senate failed, the bill from the House was abandoned, because, without cancelling the old endorsement of four millions, the new endorsement of two could not be obtained. Well, at this point, the Greenville Road proposed that the war should cease, and that the interests of the two roads should be consolidated. Look at the proposal! The Blue Ridge Road had but fifty miles of completed road; when they went upon the market with their securities, they met two difficulties—1. That their unfinished road was not adequate security: 2. That the loan was not large enough to complete the road. The consolidation made a road four hundred miles, of which one hundred and eighty were complete, and making a gross income of eight hundred thousand dollars, while the completion of the whole line opened an enormous and lucrative traffic. The bonds of the Blue Ridge, endorsed by the consolidated company, would be securities sure of easy negotiation. General Harrison and his board consented to this consolidation, upon two conditions—1. That the Blue Ridge Road should be adequately represented upon the consolidated road; and, 2. That sufficient guarantee should be given that the four million of Blue Ridge bonds should be expended upon the Blue Ridge Road. But the general consolidation act required the election of the new Board, a President, equilization of stock, etc., etc., which could not be effected before the adjournment of the Legislature. It was agreed, therefore, to accept the present act as a preliminary to the actual consolidation, General Harrison stipulating that, as an effort had been made to discredit the Blue Ridge bonds, by the attempt to cancel them, that endorsement should be confirmed.

I say to-day, and I am willing to leave it to the judgment of any impartial man, that this proposed consolidation was wise and in the best interest, both of the railroads and the State.

But the ground taken by the report and resolutions is that in one particular this bill is injurious to the State, inasmuch as it postpones the statutory lien of the State to the mortgage which protects private individuals. My reply to that is:

1. That no statutory lien existed when the mortgage was executed, and that therefore in point of fact, and as an inevitable legal consequence, the mortgage is prior to the statutory lien. When, by the act of 1868, the endorsement of the State was authorized upon four millions of bonds, no mortgage was asked. Its security was purely voluntary. The statutory lien of the State became binding, when according to the provisions of the act, the Comptroller General put his endorsement upon the bonds. Under the most eminent legal advice in the State, the mortgage was prepared and recorded



according to law, but by delays unforeseen and beyond the control of the company, the bonds were not signed for months after the execution and record of the mortgage. The priority of the mortgage, is therefore, a fact independent of this legislation. But besides this, there was a first mortgage, not a large one, but as I have said with accrued interest amounting to about \$260,000, which was prior to both the mortgage of 1868 and the statutory lien. To complain of the legislation because it postpones the State lien is simply to reject the facts.

2. The mortgage was a better security than the statutory liens. It was, cumulative and voluntary. The statutory lien, as every lawyer will admit, could not extend beyond the limits of the State, covering only fifty-six miles of road, of which only thirty-two were finished. The mortgage covered all the property of the whole road from one end to the other. And it must be recollected that so long as the mortgage protected the bond-holders, there was no accruing liability to the State. She wanted no other security as long as the bond-holders did not fall back upon her endorsement.

3. Whether the release of the prior lien of the State was right or wrong, wise or foolish, the Legislature had the right to make it, and once made, it is complete. This position I am willing to leave to any competent legal authority.

I have thus attempted to show that so far from the State being injured by this legislation, she is benefited. That the postponement of the State lien complained of, is not the result of this legislation, but existed as matter of law and fact before it. And that even if it is unwise, it is irrevocable.

I have endeavored to discuss this question, clearly, temperately, and simply in its business aspect. I have no objection to the consultation of the eminent counsel selected. I think it but justice that this question be settled at once, and submitting the amendment which I have moved, I leave the whole subject to the consideration of the Convention.

Mr. Warley rose, and in reply to Mr. Trescott, spoke as follows:

#### SPEECH OF MR. F. F. WARLEY.

*Mr. President:*

I desire at the commencement of my reply to the remarks of the gentleman from Anderson (Mr. Trescott), to repeat what I said on yesterday. I am not the prejudiced adversary of any corporation

in the State: neither am I the blind partisan or paid attorney of any.

What has fallen from the gentleman proves that he either does not comprehend the issues involved in the report of your committee, or that, for reasons of his own, he does not desire to discuss them. I have too much respect for his intelligence and acumen to presume the former; but I will not intrude so much upon his own affairs as to suggest reasons why he has gone after false issues in this discussion.

The gentleman has, with more warmth than prudence or good manners, read this Convention a lecture upon their self-assuming right to meddle with the interests of private individuals. He forgets that public corporations are but the combination of individual rights and interests. Besides, when private individuals mix themselves up with the frauds of public corporations, they may reasonably expect exposure and public condemnation. But, says the gentleman, "you can't interfere with these stupendous frauds; you can't assume to condemn these outrageous thefts of public money, because, forsooth, by doing so you interfere with individual rights and endanger the success of private schemes." There is more of the lawyer than of the statesman in this argument.

As I said on yesterday, public frauds would not exist were it not for private individuals who act the part of corruptors. Were none of these engaged in bribing members of the Legislature, we would hear nothing of such frauds as the one I have endeavored to expose. It comes with ill grace from any citizen who values his good name, to excuse, palliate or apologize for such acts. But, sir, the gentleman displays bad taste and worse judgment when he invokes the shade of the immortal Hayne to screen the Blue Ridge Railroad Company from public condemnation, as a just consequence of its corruptions and fraud.

Sir, let us in imagination enter the Council Chamber of the nation on that memorable day when the Demosthenes of Carolina was battling against oppressive taxation, and listen to his words. He is speaking of what our ancestors would behold if, in spirit, they were allowed to visit the land they had loved so dearly. He says: "Where all was prosperous, flourishing and happy, they would behold nothing but decay, gloom and desolation: not even

‘ — a rose of wilderness  
Left on the stalk, to tell where the garden had been.’ ”

Beholding these sad reverses in the condition of their descendants, they would naturally inquire what moral or political evil had passed over the land, to blast and wither the fair inheritance they

had left them. And, sir, when they should be told that a system of taxation, infinitely more unjust and oppressive than that from which we had been freed by their toils and sufferings, had been assumed and was exercised over us by our own brethren, they would indignantly exclaim, like the ghost of the murdered Hamlet when urging his afflicted son to avenge the tarnished honor of his house: "If you have nature in you, bear it not!" Change the picture. Suppose the spirit of the gifted Hayne could enter this assemblage, and looking into the faces of many here whom he knew in the flesh, should inquire the cause of our impoverished condition; why it was that commerce and trade and industry, in all their branches, were so lifeless and inert; and above all, why this assemblage of Carolina's sons in council? And should be told that it was in great part owing to systematic fraud and corruptions, openly and defiantly carried on by imported adventurers and domestic renegades. What think you, sir, would be his injunction? I hear it, as it falls in measured tones from angel lips, "If you have nature in you, bear it not!" Don't invoke his presence here; the presence of one so noble, so generous, so high-minded and so good, to sustain and cloak a fraud like this. I protest against it, in the names of justice and of history.

But the gentleman complains because the schoolmates, the past friends and associates of the President of the Blue Ridge Railroad Company, have not seen fit to defend him when assailed here, but have, by remaining silent, devolved that duty upon him. Have I assailed the character of the gentleman's friend? I have only repeated his own bold avowals of his corruption, as made before your committee. I have only declared his own avowals of his shameless use of money, for the purposes of bribery. If he has been assailed, he himself has been the assailant. How, then, could his friends have been expected to shield him from his own attacks? to rescue his name from the cesspool of corruption and vice into which he had thrown it?

I have said, sir, that the gentleman from Anderson has not comprehended the issues raised by the report; he seems, also, not to have understood the intention or spirit of the resolutions. He seems to imagine, that the question we have submitted for examination to gentlemen "of high legal attainments and well known patriotism," is simply—"Has the Legislature the right, to subordinate the lien of the State to other liens, under any circumstances?" If he honestly believes this, I say to him, in all candor, that he is woefully mistaken. What we propose, goes very much further than this; though the question he suggests may not be so free from difficulties as he seems to suppose. He knows, as well as other le-

gal gentlemen on this floor, that where an advantage is gained over a trustee, acting within the scope of his trusts, the courts will protect the *cestui que trust*. And, sir, we presume that our courts will not countenance a fraud, perpetrated upon the tax-payers of the State, by deception and false representations, practiced upon and made to their trustee, the Legislature, by these corporations. The resolutions contemplate no written opinion, to be addressed to the people: but rather, a written complaint, to be addressed to the courts.

The gentleman is mistaken, if he supposes that he can excite sympathy here, by saying that our action will make the bonds of the Company he represents unsaleable. Let me tell him, that such is precisely our object. There is prevalent, a very general and very reasonable impression, that men who have proved themselves capable of inducing such legislation by such means, are not safe custodians of millions of the public money. And, sir, if there is any virtue left in law, we don't intend that they shall be our agents; we hope yet, to defeat their schemes, to wrest from them their plunder, and extort from them, robbers as they are, the cry—"Have pity upon us."

But we are told that our action is only calculated to help the brokers and stock-jobbers of New York; by which, probably, we are to understand that these bonds will be sold anyhow, and our depreciation of them, will thereby, ultimately help these classes of persons. Be it so, sir. Better far to help them, than to enrich those of our own people who would plunder us, and grow fat upon our poverty. The gentleman professes to favor us with a history of this swindle. In so doing he, unfortunately, and I expect unintentionally, speaks of these corporations, who got the Legislature to publish the bans of their marriage, as lifetime foes. Now, sir, can the gentleman tell us when they made friends? Don't he know that they were enemies when the Legislature was gulled by this pretended, but never intended, consolidation; and that they are enemies still? Have they ever been reconciled? He knows that they have not. There could be, of necessity, no union or consolidation of the roads, until friendly relations were established. But they were enemies then; and they are enemies now. Union was never intended; they deliberately and intentionally deceived the Legislature—and whatever of grace there is for them in the Act, was obtained by deception and fraud.

Why has not the gentleman, in his epitome of this interesting piece of legislative larceny, told us how it happens, that while the *benefits* of the Act are bestowed "in view" of the contemplated consolidation, the *penalties* of the law, do not attach until after the

consolidation takes place? Or, as there is to be no consolidation, unless the action of this Convention compels it, how it happens, that a law which grants such rich favors, has no penalty attached to it at all?

Mr. President, when the gentleman affirms that an advantage was obtained over the State by the non-endorsement of the bonds within reasonable time, and adds: "that this was the result of reasons which he need not state," he uses language which demands explanation.

[Mr. Treseott here explained that in the signing of the bonds he referred merely to their mechanical execution; that the non-endorsement of the bonds could in no wise affect the mortgage of the State.]

Mr. Warley continued:

This strange neglect, followed by such consequences as the gentleman claims resulted from it, needs explanation. Unexplained, it has much the character of collusion between the State officers who deal largely in railroad stocks, and officers of the road to defraud the State.

The gentleman dwells on the fact that the lien of the State, under the statutory mortgage, only attaches to the portion of the Blue Ridge Railroad within the State—fifty-six miles. He entirely ignores the feature of the act so far as the Company he represents is concerned—the withdrawal of the right of the State to dictate the rate at which the four millions of bonds should be sold. Why has he done this? Does he not know that this was the promised boon, which secured the co-operation of the Blue Ridge Railroad Company in this huge swindle and unmitigated fraud? And yet, he would divert our minds; and kindly insists upon our noticing how small a portion of the road is within the State. But, if that were all the State relinquished, and that relinquishment was procured by falsehood and by fraud, the offence would be complete, and the company would have richly earned the scorn of every honest man. Stealing is the felonious appropriation of another's property to one's use. It matters not whether it be a pin or a sovereign. This act of perfidy is not now rendered more perfidious because it involves the stealing of millions of dollars. If it involved the taking of but one dollar by similar means, it would be equally as perfidious.

Mr. President, one prominent feature in this transaction, is the part which native Carolinians have played in it; and it is to this feature that I ask to be allowed to address myself in closing. I say, sir, and I say it in sorrow, that some of our own household, men



whom the State, in the past, has delighted to honor, but whose honors have been withered by the atmosphere of corruption that they breathe, are involved in this swindle. I can't conceive how these men, thoroughly acquainted as they are with the negro character, and with the circumstances which, up to a recent date, surrounded the negroes then in slavery—knowing, as they well know, that in mature manhood the negro is mentally a child, and that, morally, he never passes the stature of infancy; could reconcile it to themselves to approach them, when, by force of law, they were suddenly raised to political power, and by appealing to their cupidity and avarice, make them their instruments, to effect the robbery of their impoverished white brethren. The highwayman spares the idiot, the pirate has mercy on the fool, but these, our own people, use idiot and fool alike to consummate their schemes of spoliation and plunder. A legislature, composed chiefly of our former slaves, has been bribed by these men—to do what? To give them the privilege, by law, of plundering the property-holders of the State, now almost bankrupt, by reason of the burden of taxation under which they labor.

Now, gentlemen of this Convention, one word as to the amendment proposed by the gentleman from Anderson. All that that amendment aims to secure is a report, which, it is hoped, will assist them in selling the bonds, which we, hereafter, will have to pay. We do not propose to render them any such assistance. On the contrary, *and we say it to the world!* we intend to strangle this fraud in its infancy. I trust the amendment will be voted down with that remarkable unanimity which has characterized the vote by which the report and resolutions were adopted.

Mr. Giles then moved to lay the amendment on the table.

The motion was adopted, and the amendment laid on the table.

Mr. E. J. Scott, of Richland, offered the following resolution :

WHEREAS, It is customary and proper that persons, entrusted with large amounts of the public funds, should guarantee the safe keeping and faithful disbursement of the same; and, *whereas*, H. H. Kimpton, Esq., the State Financial Agent in New York, who holds about two millions of State bonds, has given nothing but his own personal obligation for the discharge of his duties;

*Resolved*, That the attention of the Governor and the Attorney-General be specially directed to the risk of loss by the death or

default of said agent, and that they be requested to require of him a bond with such good and sufficient security as will protect the interest of the State committed to his hands.

The resolution, on motion of Mr. T. Y. Simons, of Charleston, was considered immediately, and agreed to.

Mr. Cadwallader Jones, of York, introduced the following resolution :

WHEREAS, By the act of the 26th of August, entitled an Act to authorize a State loan, to pay interest on the public debt, the Governor was authorized to borrow on the credit of the State, on coupon bonds, a sum not exceeding one million of dollars, or so much thereof as may be necessary to pay the interest on the public debt; and

WHEREAS, It appears that instead of one million, two millions of dollars of coupon bonds were created, the one with the words, "For Interest" engraved thereon, and the other without those words; and

WHEREAS, Although it is now stated that \$900,000 of the two millions thus issued have been recalled; therefore,

*Resolved*, That this Convention cannot but deem this transaction as uncalled for, and without legal authority, and as exhibiting an irregularity and capacity for fraud, which merits its stern condemnation.

On motion of Mr. Jones, the resolution was referred to the Committee of Eleven.

Mr. Chesnut, from the Executive Committee, to whom was referred the preamble and resolutions, relative to investigation in the Third Congressional District, made the following

#### REPORT :

The Executive Committee, to whom was referred a preamble and resolutions, in regard to a larger amount having been drawn from



the Treasury, by the committee of the Senate and House of Representatives, for the purpose of investigating irregularities in the Third Congressional District, than has been properly accounted for, ask leave to report :

That they have considered the same, and recommend that the same be referred to the Attorney-General, with the recommendation that the subject is well worthy of judicial examination, and, in the opinion of the committee, is entitled to the attention of the prosecuting officer of the State."

The report was considered immediately and agreed to.

Mr. T. Y. Simons, from the Special Committee, appointed to confer with the Governor, relative to the postponement of the collection of the November tax, made the following

#### REPORT.

The Special Committee directed by the Convention to confer with the Governor of the State, in relation to the postponement of the collection of the taxes in November ensuing, beg leave to report :

That impressed with the conviction, under the peculiar circumstances of the case, and in view of the fact that the people of the State are thus called upon to pay the taxes for two separate years in one, of the justice of the measure of relief proposed, they have had an interview with the Governor, who has authorized them to state to the Convention, that while the various offices will be open in November for the reception of the taxes at that time, from such of the citizens as may be then prepared to pay them, yet that the period for their payment will be extended to the first of March, 1872, within which time if payment is made no penalty will attach.

T. Y. SIMONS, Chairman.

The report was considered immediately and adopted.

Mr. Butler, from the Committee of Eleven, stated that his committee, with the exception of one branch, was ready to report.

On motion of Mr. Ball the Convention took a recess of thirty minutes.

Upon re-assembling, Mr. Butler, from the Committee of Eleven, to confer with the Governor, reported as follows :

#### REPORT.

The committee to whom was referred the resolution of the Convention, "That a Committee of Eleven be appointed by the chair to confer with his Excellency Governor Scott, in pursuance of the fourth resolution of the Chamber of Commerce and Board of Trade of the city of Charleston, and report to this Convention in writing or otherwise," beg leave to report :

That they have had an extended conference with the Governor, pursuant to the resolution of instruction, eliciting the following results :

1. It was stated to the Executive by your committee, that they visited him, not as partisans of any political party, but simply as representatives of the tax-payers of the State, to ascertain in what manner they could co-operate with him in correcting many of the prevailing evils now causing popular discontent, and to obtain from him an official statement of such facts and suggestions as would promote confidence, and secure retrenchment and economy in the administration of the State Government.

The Governor, in reply, expressed his gratification that he was afforded an opportunity to lay before the representatives of the tax-payers of the State the facts in his possession, and such information as would meet the views of the committee.

He observed first, with reference to the finances of the State, that, notwithstanding the rumors that an illegal and irregular manipulation of the public funds had taken place, it was the fact, that nothing had been done involving the credit of the State which was not strictly authorized by law. And to satisfy the committee, they were invited by the Treasurer, Comptroller General and State Agent, to make a thorough examination of their respective official

accounts. It is very gratifying to your committee to state that these officials were present at the interview, and have given free access to their offices and books, upon which a special report will be made by a sub-committee of this Convention.

The Governor produced the printed statement of the funded debt of South Carolina, which has been furnished to the members of the Convention by the Comptroller General, and remarked that he believed it to be substantially true, and that he had not signed any other bonds than those set forth in said statement, and that none had been issued except by authority of law.

2. With reference to the unnecessary multiplication and increase of State and County offices, he remarked that he was satisfied a large number of officials could be profitably dispensed with, and that if the Convention would take positive action upon the subject, it would probably have weight with the Legislature, and induce economical restrictions, and expressed the determination to exert his influence with the General Assembly to effect that object; all of which is more specifically set forth in the report of a sub-committee especially charged with this branch of their instructions.

3. Upon the suggestion of your committee, that one of the principal causes of popular complaint and dissatisfaction consisted in the fact that many of the Trial Justices and other officers and agencies of the law were incompetent, and so unequally distributed as to prevent convenient and ready access, his Excellency replied that he fully appreciated the force of the remark, and knew that this was one of the most fruitful causes of the difficulties which have existed during the last six or eight months—that, until recently, he had had trouble in finding a proper class of men for Trial Justices and other officers, and that he was satisfied that much of the personal violence and indifference to law was due to the fact that the people have not the means of enforcing the law within their reach.

4. In reply to an inquiry from your committee as to his opinion of minority representation, the Governor was clear and explicit in his indorsement of the plan, believing, as he said, that it would do more to destroy prejudice, prevent ill-feeling and educate the majority than any event which could occur—that they would be the

gainers should the Legislature at its next session pass an act providing for minority representation.

5. In regard to the election laws, the Governor was very decided in the opinion that they should be amended, alleging as the reason that as they now stand, distrust was created in the minds of the people, and temptation offered for the commission of fraud. He added that at the next session of the Legislature he would urge a change, so that the ballots could be counted in public as soon as the polls were closed.

6. Your committee urged the inability of the people, after paying the taxes now being collected, to pay a second tax in November next. His Excellency said in reply, that it had been represented to him by well-informed citizens in several parts of the State, that for a large class of citizens, whose taxes were small in amount, the month of November was a more convenient time of payment than any other; and he hoped that to this class of our citizens the collection of the tax at that time would not prove oppressive. But, yielding to the representation of your committee, he requested them to report to the Convention that he would authorize the Comptroller to suspend the collection of the taxes in all cases where the payment thereof was inconvenient to the tax-payers. That this postponement shall extend to the first of March, 1872, and that the penalty for non-payment should not be enforced in the meantime.

In brief, to recapitulate, your committee understand his Excellency as having committed himself to the following propositions:

1. That he has signed no other bonds than those set forth in the debt statement made by the Comptroller General, and that there have been no fraudulent or illegal issues.

2. That the State and County offices, both elective and appointed, are unnecessarily multiplied, and should be reduced in number, and many of them in pay.

3. That many of the officials charged with the administration of justice have been incompetent and inaccessible to the people, and that many of the disorders complained of in the State have been created

by this cause, and that he will replace them with competent persons whenever he can do so.

4. That he is in favor of the cumulative system of voting and minority representation, and would be glad to see it made a part of the law of this State.

5. That the election laws are defective, lead to fraud, and should be materially amended, and that he will exert his influence to that end.

6. That he would have the collection of the taxes of next November postponed until the 1st of March, 1872, and not enforce the penalty for non-payment until that time.

Your committee are aware of the wide-spread feeling of distrust of the present administration, and whilst they share to a great extent this common feeling, they think it would be wise and proper that a cheerful response be made to this effort of his Excellency to secure retrenchment and reform in the administration of public affairs.

There has been nothing in the different interviews between your committee and the Governor which leads them to believe that he desires or intends to repudiate his assurances of an earnest desire to correct many of the evils and grievances of which we complain.

That frauds the most flagrant, and corruption the most dangerous and demoralizing have been perpetrated by many of the State officials, your committee have no doubt; but an investigation has scarcely been embraced within the scope of their instructions, even if they had had the power, under the sanction of the law, and the time to have done so.

In this connection, however, your committee recommend the adoption of the following resolution:

*Resolved*, That his Excellency the Governor be requested to direct the Attorney-General to inquire into all cases of alleged frauds upon the Treasury that may be brought to his notice; and to make suitable provision for the remuneration of informers, and to the compensation of additional counsel, which may be necessary. That the Attorney-General be instructed, if found necessary or

expedient, to attach the property of persons ascertained to be in default to the Treasury, or in any other way to be unlawfully in possession of moneys of the State.

A committee on the part of the Legislature is now in session in this city, charged with the investigation of the transactions of some of the State officials. Your committee recommend the appointment of a Committee of Three, by the President of this Convention, whose duty it shall be, as representatives of a large body of the taxpayers of the State, to tender their services and co-operation to the Legislative Committee, in aid of the investigation now going on.

Your committee not having the authority of law to press their inquiry into the numerous alleged frauds and corruptions, to a satisfactory conclusion, and recognizing the occasion as one of too much gravity to be hastily and inadvisedly passed upon, have declined to be influenced in this regard by the unsworn statements of individuals. The foregoing recommendations, however, if carried out, will test the sincerity of those who have the authority for investigation, and lead to a purification of the body politic.

The adoption of the following suggestions is respectfully recommended for the consideration of the Legislature at its next session, with a view to the enactment and modification of certain laws:

1. Increase the revenues of the State by additional legislation, insuring the full and faithful payment of the royalty on phosphatic deposits dug and mined, pursuant to the terms of the charters of the respective companies. This may be effected by the appointment of reliable bonded inspectors or weighers, who should be required to determine by weight or measurement the number of tons mined before sale or shipment, and who shall receive for compensation, a reasonable commission on amounts secured to the State through his office.

Your committee are advised that a large proportion of the public expenses might be met from this source, if properly collected, whereas, but \$1,900 have so far been paid into the State Treasury.

2. Repeal or prevent in future acts vesting valuable franchises, the right to dig and mine phosphates, etc., etc., in companies, all



or a great part of whose corporators are members of the Legislature at the time of the grant.

3. Stop the drawing of money from the Treasury for alleged current legislative expenses on the order of the Speaker of the House or President of the Senate, in advance of any appropriation, which practice is in direct violation of Section 22, Article 2, of the Constitution, which provides: "That no money shall be drawn from the Treasury, but in pursuance of an appropriation made by law."

4. All appropriation bills should specify items under each general head. For instance, the practice is to cover, under head of "Legislative expenses," the payments to alleged employees, clerks, messengers, etc., of the General Assembly, who, as your committee are informed, out-number the members thereof.

5. Reduce the number of State and county officers, by blending the duties of two or more offices in one, and reduce the fees of Coroners, which are excessive.

6. Enact a law limiting each session of the Legislature to thirty days.

7. A law should be enacted, or the present law modified, prohibiting County Commissioners from issuing any check until the account upon which it is alleged to be based, is first audited and approved by the County Treasurer or some other independent officer, and requiring the Commissioners to publish quarterly a statement, in the nearest newspaper, of all amounts collected and paid by them, from whom collected, to whom paid, and on what account.

8. Let the old law regulating the fees of solicitors be substituted for the present.

9. Repeal the Act granting a salary of \$2,500 per annum to the Adjutant-General. The office is a mere sinecure. Its practical duties can be performed by a clerk, to be appointed by the Governor, acting as Assistant Adjutant-General.

10. Limit each public officer to one salary or compensation, for the same service. (Vide Lieutenant-Governor's pay.)

11. Abolish commission to codify the laws. It costs the State \$15,000, and does no duty which cannot be discharged by a clerk.



The duties of your committte, Mr. President, have been delicate and arduous, and the time within which they were expected to discharge them, too limited to permit such a thorough investigation of the matters committed to them, as they justly deserve. They have had to rely upon statements voluntarily furnished by the officials themselves, and the evils sought to be corrected may not find immediate redress. They trust, however, that such information as they have been able to procure, may lead to other and further investigation by the committee above recommended, and that the suggestions and remedies which they have had the honor to make, may result in good to the whole people of the State.

All of which is respectfully submitted.

M. C. BUTLER,  
Chairman of the Committee.

The report was considered immediately and agreed to.

Mr. Trenholm, from the Committee of Eleven, to whom was referred resolutions, regarding the finances of the State, made the following

#### REPORT:

The Committee of Eleven, to whom was referred the resolutions regarding the finances of the State, report as follows:

This resolution having been published in the newspapers before the assembling of the Convention, your committee were promptly apprised by his Excellency the Governor, and by the other State functionaries referred to, of their readiness to furnish the required information. The Comptroller-General furnished to the Convention themselves a printed "statement of the funded debt of the State of South Carolina, and information relative thereto." In this "statement, the total funded debt of the State," is set down as the sum of \$7,665,908.98. To the sum of the funded debt, viz: \$7,665,908.98, must be added, in order to exhibit the sum total of the debt of the State, the cash advanced to the Treasury by the Financial Agent. This is set down by Mr. Kimpton at the round

sum of \$800,000, and also the further sum of \$400,000, for bonds sold by Mr. Kimpton since the date of the Comptroller's report, viz: making a grand total of debt of \$8,865,908.98.

The sum total of bonds remaining unsold in the hands of the agent, as already shown by the Comptroller's statement, was \$2.-200,000. From this amount, must be now deducted the amount sold as above stated, \$400,000, leaving \$1,800,000. This amount of bonds, namely, \$1,800,000, is pledged for the security of the \$800,000 of cash advanced by the agent.

In view of this condition of the finances of the State, your committee would respectfully make the following recommendation, viz: 1. That his Excellency the Governor be respectfully requested to confer with the financial agent (who is now in Columbia), and to telegraph to New York not to sell any more bonds of the State at less than 80 per cent.

2. That his Excellency be respectfully requested to proceed to New York, and to make the most economical arrangement possible for holding this \$1,800,000 of bonds, until the above limit of 80 per cent. becomes attainable.

3. At 80 per cent., \$1,000,000 of bonds will discharge the debt of \$800,000 due to the financial agent, and release \$800,000 of the hypothecated bonds. This sum of bonds your committee recommend, that it may be respectfully suggested to the Governor to use in the following manner:

The amount of funded debt now payable, and that approaching maturity combined, is as follows:

Fire Loan Bonds, Baring loan-----	\$440,000
Fire Loan Stock-----	304,000
<hr/>	
Amount over due-----	\$744,000
State House Bonds to mature on the 18th of July, 1871--	250,000
<hr/>	
	\$994,000

Your committee recommend that the \$1,800,000 of surplus bonds above referred to, as soon as they may be relieved from hypothecation, be applied to the satisfaction in part of the above debt of

\$994,000. The \$744,000 of over-due bonds constitute so much of the fire loan debt for which the capital of the Bank of the State is pledged, and your committee indulge in the hope that it may be discharged from that source.

If the arrangements suggested by the committee can be carried into effect, the result will be as follows:

Sum total of debt already stated .....	\$8,865,908 98
Add the bonds now in the hands of the Agent, and proposed to be issued.....	1,800,000 00
	<hr/> \$10,665,908 98
Deduct the advances made by the Agent and pro- posed to be paid .....	800,000 00
	<hr/> \$9,865,908 98
Deduct the amount of funded debt proposed to be paid by \$800,000 of surplus bonds on the basis of 80 per cent. for the bonds, viz.....	640,000 00
	<hr/> \$9,225,908 98
Should the remainder of the \$994,000 of funded debt, now pressing for payment, be discharged out of the assets of the Bank of the State, viz.....	354,000 00
	<hr/> \$8,871,908 98
The final sum of the funded debt will be ..	<hr/>

It may be reasonably objected to these suggestions, that the present market price of the bonds is only 65 per cent., while the calculations made proceed on the basis of 80 per cent. for the bonds. But it is quite reasonable to expect that upon this exhibition of the exact condition of the debt of the State, and upon the concurrence of his Excellency the Governor, in the general course of arrangement herein recommended, there will be an immediate and considerable advance in the market value of the bonds, and greatly increased facilities for holding them off the market.

Referring now once more to the sum of the funded debt, the committee deem it proper to state that they had expected to verify the

account by the evidences in the Comptroller's office, but they were disappointed.

The Act of August 26, 1868, authorizing an issue of bonds for the payment of the bills receivable of the State, provided that the bonds should be signed by the Governor and Treasurer. Subsequent acts followed the same course. In consequence, there is no record kept in the Comptroller's office. The preceding statement, under the authority of this officer, is derived from the Treasurer. It is confirmed by the Governor, who united with the Treasurer, Mr. Parker, in giving to the committee every assurance of its correctness. And it appears to your committee that the several issues and sums of bonds described are of unquestionable legality and force as obligations of the State. It seems proper further to explain that the bonds, under Act of August 26, 1868, "for the payment of the interest on the public debt," were at first issued with the above words embodied in the form of the bonds. That these words being deemed objectionable, another set of bonds for a like amount (\$1,000,000) was prepared and executed, and were sent to the financial agent to supply the place of the objectionable issue. Of this objectionable issue of bonds, \$500,000 were long since returned and cancelled, as appears by the assurances given to your committee by the Comptroller and Treasurer. Upon the authority of Mr. Kimpton, Agent, and Mr. Parker, Treasurer, it appears, also, that a further sum of \$400,000 has been returned within a few days. These have not yet been cancelled. Mr. Kimpton also assured the committee that the remaining \$100,000 would soon be returned; that there was not any longer delay in effecting the exchange than arose from the necessity of waiting until the several loans matured, for which the first bonds had been pledged.

The arrangement of having a financial agent in New York, does not make a favorable impression upon the committee. Copies of the accounts rendered by him for the fiscal years of 1869 and 1870 are annexed to this report for reference, marked respectively B. and C.

The large sum in money or bonds always in the hands of the agent is attended with unusual risk in the management of the finances of a State; and the difficulty of keeping the accounts of the agency and of the Treasury in constant and regular accord is great.

It will be seen for example, by account "B" that at the end of the year, the total of the sums charged to the Treasurer by Mr. Kimpton, was \$1,007,924.54, while the sums credited to Mr. Kimpton by the Treasurer, amounted to only \$623,000; exhibiting a discrepancy of \$384,924.54, or disagreement of \$384,924.54. In like manner, account "C" exhibits a disagreement of \$294,726.92.

It is true these accounts were recently brought into reconciliation, or rather into conformity with the accounts of the agency. There is added to both an account of the subsequent interest by which this was effected. Nothing appears in these accounts to impeach their correctness, but it will be seen how wide open is the door for errors and disputes, if for no graver misfortunes. It will be seen that among the items brought to the credit of the account by the subsequent entries, are these, viz :

Account (B) fiscal year, 1869, for expenses, including interest as explained to the committee-----	\$ 64,996 71
Account (C) fiscal year, 1870, for expenses, including interest-----	94,977 42
	<hr/>
	\$159,974 13

These appear to have been passed to the credit of the agency without being audited. The committee understood Mr. Parker, the Treasurer, to say that he had not received an account of the several items of expense that go to make up the two sums of \$64,996.71, and of \$94,977.42. These charges, as will hereafter be shown, add enormously to the interest of the public debt, nor is this the end. The committee learned from Mr. Kimpton that his own proper commission as agent was not included in the above sums, and that the rate of compensation is not even determined or agreed upon.

Your committee would have preferred to show with precision what rate of interest results from the addition of these charges, but it is seen that the full sum of the expenses is not yet known, neither do the accounts show the exact average sum of the cash advances made to the Treasury. Some approximation to the truth may, however, be made in this way. By the report of the Comptroller-General for 1870, pp. 101 to 104, the following ap-

pear to have been the quarterly balances due to Mr. Kimpton, by the Treasury :

October 1st, 1869-----	\$515,424 54
January 1st, 1870-----	180,009 54
April 1st, 1870-----	548,347 84
July 1st, 1870-----	573,317 21
October 1st, 1870-----	880,843 95
Total-----	<u>\$2,697,943 08</u>

This sum, divided by the five periods, gives an average of \$539,588.61, as the sum of the advances, and seven and a half months as the period of time for which they were made. The interest and other charges, as shown in another part of this report, was for twelve months \$94,777.42 or \$7,914.78 per month. For seven and a half months it is \$59,360.85, or at the rate of 17 per cent. per annum. And to this is yet to be added the agent's commissions. Mr. Kimpton is under the impression that his average advance was greater than the sum stated by your committee. But even if it was \$700,000 instead of \$539,588.61, the interest (without his commission) would amount still to the high rate of 13½ per cent. per annum.

The loss sustained by the State in this mode of dealing is obvious, and it is augmented apparently by the fact that all this risk, expense and trouble resulted in the sale of only \$1,000,000 of bonds, and these at the moderate rate of 70 per centum. The act providing for the payment of the interest on the public debt in gold had been passed, and had added very largely to the annual charge.

The interest paid by the Comptroller, according to the report of 1870, is-----	\$190,879 44
The coupons paid by Mr. Kimpton amounted to----	209,014 50
	<u>\$399,893 94</u>
The premium on gold, paid by Mr. Kimpton, and charged in the same account (C) is-----	84,362 00
	<u>\$484,255 94</u>



Thus raising the interest on the funded debt that year to about 7½ per cent., instead of 6 per cent., and adding \$84,362 to the expenses of the State. The face of the bonds, it is true, rose to 80 per cent. and upwards; but the State derived no benefit from the expense she had incurred to produce the advance. Only one million was sold, and those at 70 per cent.

In reviewing the financial condition of the State, it was impossible to fail of being gravely impressed by the enormous expense of the present day as compared with the past. Your committee earnestly appealed to his Excellency Governor Scott to use all his power to enforce retrenchment in every department. It was impossible for your committee, in the short time allotted to their arduous task, to examine into the various accounts that exhibit these expenditures, and to suggest in what particulars they may be curtailed.

They procured from the Treasurer, in a compendium form and attach to this report, accounts D and E, showing the receipts and disbursements of the Treasury for the years 1869 and 1870. They commend these interesting documents to the careful examination and earnest consideration of the tax-payers and of the Legislature. They believe that all necessary retrenchment of expenses may be effected, and that it is the shortest and best avenue to escape from the financial difficulties we suffer, and the surest means of restoring quiet and confidence among the people of the State. Less than \$660,000 will pay the interest in gold on the funded debt, and \$1,200,000 of revenue should abundantly suffice to defray the interest and all other expenses.

The committee believe that by a vigorous and persistent economy our expenses may be reduced to this sum, and the taxes proportionately abated.

The examination of Mr. Kimpton's account in detail was found impossible as his books of account are necessarily in New York. The importance of such an examination is, however, recognized in the interest of the State, and for the satisfaction of the financial agent, by whom it is courteously and cordially invited. The same may be said of the several officers of the State to whom application for information was made by your committee.

Mr. Neagle, the Comptroller General, was particularly pressing



in his solicitations that all his books and accounts might be thoroughly and critically examined.

As the result of the deliberations of the committee on the matters referred and now reported on, they would respectfully recommend to the Convention the adoption of the following :

*Resolved*, As the sense of this Convention, That the funded debt of the State as described in the report of the Committee of Eleven of this body is a valid debt, and that the honor and funds of the State are lawfully pledged for the redemption thereof.

*Resolved*, That the general plan for the arrangement of the funded debt, suggested by the committee, be recommended to the favorable consideration of his Excellency the Governor.

*Resolved*, That to complete the examination of the accounts of the financial agent in New York, the Committee of Eleven be authorized to sit during the recess of the Convention, and to send a sub-committee to New York for the purpose indicated, and that the said committee and sub-committee be further authorized, if required by Governor Scott, to assist by their counsels at home or in New York in the proposed negotiations for the final adjustment of the funded debt.

*Resolved*. That his Excellency Governor Scott be, and he is hereby earnestly solicited to make a systematic review of the various classes of expenditures for the public services, and to use his authority and influence in arresting the present extravagant expenditures, and in substituting a system of rigid economy and accountability in every department of the public service. That to this end his Excellency be earnestly and respectfully urged to adopt the sum of \$1,200,000 as the utmost limit of expenditure, and exert all his power and influence to reduce the expenses, including the interest on the funded debt to this sum, and to diminish the taxes in the same extent.

*Resolved*, That the Comptroller and the Treasurer be required by his Excellency the Governor not to destroy the \$400,000 of objectionable bonds referred to in the report, but to cancel and file them so that the fact of the cancellation thereof may at any time be demonstrated, and that the same course be pursued in reference to

all redeemed obligations of the State, of any character whatsoever.

The report was considered immediately and adopted.

Mr. Ball, from the Committee of Eleven, to whom was referred a resolution regarding the increase of offices since 1868, made the following

#### REPORT:

The committee to whom it was referred to investigate and report to this body to what extent State and County offices have been unnecessarily increased since the inauguration of the State government in 1868, and with the view to retrenchment and reform, to what extent they might be dispensed with, beg leave to report :

That they have examined and considered the matters embraced in the resolution as fully as the limited time at their disposal would admit.

They are satisfied from this examination that the number of offices of the State and County have been unnecessarily increased, and that the salaries appertaining to the same have been fixed at amounts largely in excess of a fair compensation for the services rendered ; and that as to those offices absolutely necessary to a due administration of the government, the salaries have in a like manner been inordinately increased. In support of this view your committee beg leave to submit the following comparative statement of offices and salaries for the years 1866 and 1871 :

COMPARATIVE STATEMENT OF OFFICES AND SALARIES IN THE  
YEARS 1866 AND 1871.

	1866.	1871.
Governor.....	\$3,500	\$3,500
Private Secretary.....	1,200	2,000
Messenger.....	100	300
Rent.....	300	
Secretary of State, Clerk and Fees.....	500	4,000
Adjutant and Inspector General.....		2,500
Comptroller and Clerks.....	3,700	4,499
Treasurer and Clerks.....	3,200	5,800
Auditor of State and Clerk.....		4,000
Superintendent Education and Clerk.....		3,500
Chief Justice.....	3,500	4,000
Associate Justices.....		7,000
Judges.....	30,000	28,000
Attorney General and Clerk.....	1,100	4,000
Clerk of Court of Appeals.....	800	1,500
Attendant Court of Appeals.....	250	800
Solicitors.....	4,500	8,000
County Auditors.....		31,500
School Commissioners.....		31,500
Code Commissioners.....		10,500
Legislative Expenses.....	45,850	400,000
Contingent Fund Executive Department.....	25,000	20,000
Contingent Fund Treasurer.....		1,000
Contingent Fund Attorney General.....		500
Contingent Fund Comptroller.....		500
Contingent Fund State Auditor.....		500
Contingent Fund Adjutant and Inspector General.....		500
Contingent Fund Superintendent Education.....		500
Contingent Fund Secretary of State.....		500
Contingent Fund State Librarian.....		150

This statement is not intended as a full comparison of all public expenses during the two periods compared, but is made with the view of exhibiting to the Convention the relative scale of expenditures by the present government so far as herein exhibited.

Upon a conference with his Excellency Governor Scott, in ac-

cordance with the terms of the resolution under which this committee was raised, his Excellency made substantially the following suggestions, in which your committee concur :

1. The office of County Auditor may be dispensed with, except in Charleston County, and the Treasurer discharge all the duties now performed by the Auditor and Treasurer.

2. The duties of State Auditor may, with propriety, be discharged by the Comptroller-General.

3. The duties of the Commissioner of the Bureau of Agricultural Statistics may be transferred to the Secretary of State, without additional compensation.

4. The place of Assistant Adjutant General can be dispensed with, and the duties performed by the Adjutant-General.

5. Assistant Librarian of the Supreme Court may be dispensed with.

#### ELECTIVE OFFICERS.

1st. The compensation of School Commissioner may be reduced in all the counties, to an equivalent for their services.

2d. The compensation of County Commissioners should be reduced, the number of days for duty fixed by law, and the per diem allowed only for days actually on duty; their accountability for moneys received for licenses, etc., should be regulated by law, requiring them to report to competent authority the amounts received, as heretofore such moneys have not been accounted for in many counties.

The fees of Trial Justices, Solicitors, and Constables might be proper matters for legislation.

The Adjutant General's salary should be reduced to a commensurate amount with his services.

In addition to the cases above particularised, your committee are of opinion that \$10 per diem, during the sitting of the Senate, is ample compensation to the Lieutenant Governor, while that officer receives the further salary of \$2,500 per annum.

In conclusion, your committee would say generally, that they are of opinion that the rate of compensation now paid to the various

State and County officers might be very materially reduced, with great advantage to the people of the State, and without detriment to the public service.

The report was considered immediately and adopted.

Mr. Cannon, from the Committee of Eleven, made the following

#### REPORT :

The Committee of Eleven, to whom was referred a preamble and sundry resolutions, as to the best mode of restoring confidence in and reforming the government by conferring with his Excellency, and the appointment of committees of examination, etc., report :

That the subject matter embraced therein, having been fully considered and set forth in a report made by this committee, they ask to be discharged from the further consideration of the same.

Also, the following :

The sub-committee, to whom was referred a resolution to report on the propriety of proposing some plan through the Governor or otherwise, by which the laws requiring all official notices to be published in certain papers be repealed, or so modified as to remove said requisition, beg leave to report, that they have considered the same. We fully concur in the impropriety and injustice of the above law, and recommend the passage of some law, by which said grievance may be removed.

The above reports were considered immediately and adopted.

Mr. Butler, from the Committee of Eleven, to whom was referred the resolution that a committee of five be raised to examine and report upon the action of the State Financial Agent, made the following

#### REPORT :

The Committee of Eleven, to whom was referred the resolution that a committee of five be raised to examine and report upon the

accounts of the State with the Financial Agent of the State at New York, and that they apply to the Governor for his aid and authority to make this examination, beg leave respectfully to report :

That, inasmuch as the same matter is provided for in the report of a sub-committee of this committee, they ask to be discharged from the further consideration of the same.

The report was considered immediately, adopted, and the committee discharged.

Mr. Jones, from the Committee of Eleven, to whom was referred the resolution regarding the recalling of bonds issued under the Act of 26th August, 1868, reported as follows :

#### REPORT :

The committee to whom this resolution was referred have considered the same, and recommend its adoption.

The report was considered immediately, adopted, and the resolution agreed to.

Mr. Warley introduced the following resolution :

*Resolved*, That this Convention express its unqualified disapproval of all secret political associations, by whatever name they may be called, and entreat all good citizens, irrespective of party, to discountenance any and all such organizations.

The resolution was considered immediately and agreed to.

Mr. Baldwin introduced the following preamble and resolution :

WHEREAS, By an act of the General Assembly passed at the regular session of 1868 to 1869, the State waived and postponed an existing lien of the State to secure a firmer endorsement of the bonds of the Charleston and Savannah Railroad Company, by the State, in order to enable the said Railroad Company to execute a new mortgage for its own benefit; therefore,

*Resolved*, That it be referred to Messrs. Porter & Conner, Attorneys at Law, to examine the said act, and to take such measures for the protection of the interests of the State in the said Savannah and Charleston Railroad Company, as they may deem practicable and wise.

The President, Hon. W. D. Porter, stated that Messrs. Porter & Conner had already delivered a legal opinion on the matter embraced in the resolution, and he would therefore beg leave to withdraw such names.

This was agreed to, and, on motion of Mr. Baldwin, the names of Messrs. Pressly, Lord & Inglesby were substituted for those of Messrs. Porter & Conner.

The resolution as amended was adopted.

On motion of Mr. Chamberlain, the vote whereby the report of Mr. Ball, from the Committee of Eleven, on resolution relative to increase of State and County offices since 1868 was adopted, was reconsidered.

Mr. Chamberlain moved to amend the report by striking out after the words "Secretary of State," in the tabular statement, the words "and fees."

The amendment was agreed to and the report as amended adopted.

Mr. Senn, of Richland, introduced the following resolution :

*Resolved*, That a committee of three be appointed by the chair, who shall have charge of the publication of the proceedings and the defrayal of the expenses of this Convention : and that the Secretaries of the Convention be authorized to pay over the funds in their hands, to the said committee.

The resolution was considered immediately and agreed to.

The chair appointed as the committee, Messrs R. D. Senn, T. Y. Simons and Myron Fox.

The chair announced that the several Railroad Companies had tendered a free passage home to the delegates.

Mr. Aldrich, of Barnwell, introduced the following resolution :



*Resolved*, That the thanks of the Convention be returned to the several Railroad Companies for the transportation so liberally offered to the members of the Convention.

The resolution was considered immediately and agreed to.

Mr. T. W. Woodward, of Fairfield, introduced the following resolution :

*Resolved*, That the Executive Committee be instructed to inquire into the proceedings of the Land Commissioner and report fully to this Convention what amount of bonds has been issued for the purposes of the same; what has become of those bonds; if sold, what has been done with the proceeds; how much land has been bought; from whom purchased, and at what prices; how much, if any, of the said lands has been sold, and what amount is still remaining in the hands of the Commissioner.

The resolution was considered immediately and agreed to.

The chair announced the following delegates as a committee under the report of the Committee of Eleven, to confer with the Special Investigating Committee appointed by the General Assembly :

Messrs. Edwin J. Scott, Richard Lathers, Wm. Wallace.

The following were appointed a committee of five to investigate and report a plan to restore the credit of the State and to confer with the representatives of the Fire Loan securities :

Thomas Y. Simons, James Chesnut, F. F. Warley, Gabriel Cannon, M. C. Butler.

The Convention resolved itself into a Committee of the Whole, with Hon. James Chesnut in the chair.

Mr Aldrich offered the following resolutions :

*Resolved*, That the thanks of this Convention are due and are hereby tendered to the Hon. W. D. Porter, for the able, courteous,

and impartial manner in which he has presided over its deliberations.

*Resolved*, That the Chairman of this committee be requested to communicate this action to the Hon. W. D. Porter.

Mr. Aldrich moved the unanimous adoption of the resolutions, which was agreed to.

The Committee then rose.

Mr. Chesnut, in a few appropriate and eloquent remarks, communicated the resolutions to the President, Hon. W. D. Porter.

The President responded in the following words :

If I felt gratified at the appointment to this honorable position, how much is that gratification increased by the expression of your satisfaction at the manner in which the duties of the chair have been discharged. This has been to me altogether a duty of pleasure. It was my good fortune to preside for years over one branch of the General Assembly of this State in days that are gone, never to return. You remember those years—they were years of pride, of honor and of happiness. Let me pay to that body the tribute of saying that during the whole period of which I speak, memory brings to me no remembrance of any word or act of a member towards myself, or any fellow member, that calls up a blush of shame or a feeling of regret. There was so much of kindness, of high courtesy, and unexceptionable decorum! It was, in truth, an assembly of gentlemen! The memory of the honor of presiding over them will be dearly cherished to the latest day of my life!

I cannot refrain from saying what I feel—that this is a re-union of the same kind. I see so many of my old associates—give and receive so many warm congratulations and friendly pressures of the hand. It is like a meeting of survivors after some shipwreck or other great and fearful disaster. What a pleasure to look again in each others faces, to see the kindling of each others eyes, and feel the throbbing of each others hearts! We have been made dearer friends by the perils we have run, and the sacrifices we have made. For this Convention I will not speak in praise of it, but we need not be ashamed of it. Let results speak in its behalf, and appeal for it to the country for its approval.

I think it for the common good that this body has determined to adjourn subject to future call. It may or it may not be necessary to meet again. So far, it has deserved well of the country. If its future action be undignified or unharmonious, it will accomplish

nothing; but if it act as it heretofore acted; if it avoid Federal and State party politics, and wage war only against maladministration and corruption in whatever party; if it welcome to its ranks all gentlemen of whatever party who are in earnest in reforming the abuses and oppressions of which we complain, and who will help us to obtain good magistrates, wholesome laws, and an economical and honest administration of the public finances—if it do these things, it will accomplish infinite good and entitle itself to the gratitude of the country. I think we have done much to remove misunderstanding, and inaugurate an era of better feeling, and better conduct of our public affairs.

Thanking you for the honor conferred upon me, and wishing you a safe and happy return to your homes, I bid you farewell!

Mr. Aldrich introduced the following resolution:

*Resolved*, That the thanks of this Convention be extended to his Excellency Governor Scott and the other officers of the State government for the use of the Senate Chamber, and also his general courtesy towards the Convention and the members of its committees during their official relations connected with the delicate and important interviews between them.

The resolution was considered immediately, and agreed to.

The President then, at thirty minutes past one, P. M., declared the Convention adjourned *sine die*, subject to the call of the Executive Committee.

## THE PUBLIC DEBT OF THE STATE.

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The following is a statement of the Bonds and Stock of the State on which its name appears, outstanding, as near as could be ascertained during the short session of the Convention :

Amount of Bonds and Stock out- standing on the 1st of October, 1867, as exhibited by the re- port of the Comptroller Gener- al for November, 1867, exclu- sive of Bonds issued for mili- tary defence-----	\$5,407,215 23	
To this must be added the differ- ence between the true amount due on the Fire Loan Sterling Bonds past due, unpaid and payable in London, to wit: \$788,222 27; and that stated in the Comptroller General's report, to wit: \$484,444 51--	388,777 76—	\$5,790,792 99
Amount due on Bonds issued un- der acts of 1860 and 1861 for military defence, as by Comp- troller's report for Oct., 1867--		2,854,679 78
Total as principal of Oct., 1867--		<hr/> \$8,645,672 77

Bonds issued by present administration, as follows :

Under act approved August 26, 1868, for redemption of bills receivable -----	\$500,000 00	
Under act approved August 26, 1868, for payment of interest on public debt -----	1,100,000 00	
Under act approved September 15, 1868, for funding bills of Bank of the State of South Carolina -----	1,258,550 00	
Under act approved February 17, 1869, for relief of the Treasury -----	1,000,000 00	
Under act approved March 27, 1869, for Land Commission ---	200,000 00	
Under act approved March 1, 1870, for Land Commission ---	500,000 00—	\$4,558,550 00
<hr/>		
Total outstanding obligations of the State as principal -----		\$13,204,222 77

Statement of Contingent Liabilities of the State of South Carolina arising from the endorsement of Railroad Bonds :

South Carolina Railroad Bonds, payable in 1868, secured by first mortgage -----	\$2,093,312 40
Charleston and Savannah Railroad Bonds, payable in 1877, secured by first mortgage ---	505,000 00
Savannah and Charleston Railroad Bonds, under Act of 1869,	

payable in 1889, secured by first mortgage-----	245,750 00	
Laurens Railroad Bonds, payable in 1879, secured by first mortgage-----	75,000 00	
Spartanburg and Union Railroad Bonds, payable in 1878-79, secured by first mortgage-----	350,000 00	
Greenville and Columbia Railroad Bonds and Certificates of Indebtedness, payable in 1881, 1882, 1883 and 1888, under Acts of 1861, 1866 and 1869, secured by first mortgage-----	1,426,545 80	
Blue Ridge Railroad Bonds, under Act of 1868-----	4,000,000 00—	8,695,603 20
<hr/>		
Indebtedness of the State as principal and guarantor, inclusive of Bonds issued for military defence-----		\$22,899,830 97
Less amount due as of Oct., 1867, on Bonds issued for military defence-----		2,854,679 78
<hr/>		
Indebtedness of the State as principal and guarantor, exclusive of war debt-----		\$20,045,151 19

no. 21



PROCEEDINGS  
OF THE  
TAX-PAYERS' CONVENTION  
OF  
SOUTH CAROLINA,

HELD AT COLUMBIA, BEGINNING MAY 9TH, AND  
ENDING MAY 12TH, 1871.

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PUBLISHED BY ORDER OF THE CONVENTION.

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CHARLESTON, S. C.:  
EDWARD PERRY, PRINTER, BOOKSELLER AND STATIONER,  
No. 149 Meeting Street, opposite Charleston Hotel.

1871.

May 1.





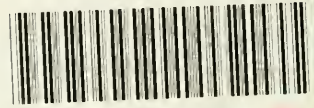








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